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LAWS

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OF THE

COMMONWEALTH

OF

PENNSYLVANIA,

111

FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOU-
SAND SEVEN HUNDRED.

Republished,

UNDER THE

AUTHORITY OF THE LEGISLATURE.

WITH

NOTES AND REFERENCES.

VOL. VI.

PHILADELPHIA:

PRINTED AND PUBLISHED BY JOHN BIOREN, No. 72, SOUTH SECOND STREET.

1822.

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1568

AN ACT

To authorise the governor to contract with John Bioren for printing the sixth volume of the laws of this commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the governor be, and he is hereby authorised and required to receive proposals from and contract with John Bioren, for thirteen hundred and fifty copies of his proposed edition of the acts of assembly passed since the thirty first day of March, one thousand eight hundred and twelve, and also including the several acts that may be passed during the present session of the legislature; to be printed, bound and lettered, so as to correspond with the five volumes of the laws now published in octavo form, inserting at the end a general index to the said volume, and in all other respects to be edited on the same plan, prefixing the titles of all the laws which are repealed, or have expired, or become obsolete, giving abstracts of private acts and acts of incorporation, and noting under each act the decisions of the Supreme Court of Pennsylvania, or of the courts of the United States, which have been given upon the construction thereof; the said copies to be paid for by warrants drawn by the governor in the usual manner, at the rate of two dollars twenty-five cents per copy, from time to time, as they are delivered at the office of the secretary of the commonwealth.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the governor be and he is hereby authorised to appoint the editor of the aforesaid edition of the laws, or in case of his declining the appointment, some other fit person of legal knowledge to superintend the said publication; arrange the laws, preface the abstracts, and indexes, and insert the notes of judicial decisions as hereinbefore mentioned, that he be allowed such sum as the legislature for the time may think a proper consideration when the said work shall be completed: *Provided,* That no money shall be paid by virtue of this act, until the said work has been approved by the judges of the Supreme Court of this commonwealth.

JOHN GILMORE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—February the eighth, one thousand eight hundred and twenty-one.

JOSEPH HEISTER.

LAW S

OF

P E N N S Y L V A N I A,

REPEALED, OBSOLETE AND EXPIRED.

- A. D.
1812. CHAP. 3599. Act for the relief of the militia and volunteers of this state, now in the service of the United States: passed 10th December, 1812; recorded in law book No. XIII. p. 256; obsolete.
3606. An act for the relief of the heirs of Mathew Shaw deceased. (See vol. 4, p. 392:) passed 22d December, 1812; recorded in law book No. XIII. p. 263; private.
3607. An act authorising Michael Fox and Samuel Fox, administrators with the will annexed of John Fox, late of the city of Philadelphia brick-maker deceased, to grant and convey the real estate of the said John Fox directed by his will to be sold: passed 22d December, 1813; recorded in law book No. XIII. p. 265; private.
3608. An act confirming the title of Olof Sheruberg, an alien to a certain messuage and lot of ground in the borough of West Chester in Chester county; passed 22d December, 1812; recorded in law book No. XIII. p. 265; private.
1813. 3611. An act to annul the marriage of Jesse Hopkins and Sarah Hopkins; passed 16th January, 1813: recorded in law book No. XIII. p. 287; private.
3618. An act to enable the executors of William Ball, deceased, to release certain lots from the payment of rents charge; passed 21st January, 1813: recorded in law book No. XIII. p. 301; private.
3619. An act allowing an additional compensation to the commissioners appointed to view and ascertain the route for the turnpike road, from Harrisburg to Pittsburg: passed 21st January, 1813; recorded in law book No. XIII. p. 302; obsolete.
3620. An act granting to John McGowan a tract of land therein mentioned: passed 21st January, 1813; recorded in law book No. XIII. p. 303; obsolete.
3621. An act enabling William Sharpless, one of a committee, appointed by the Court of Common Pleas, of Chester county, to sell and convey a part of the real estate of William Smith, a lunatic: passed 21st January, 1813; recorded in law book No. XIII. p. 303; private.
3627. A supplement to the act, entitled, "An act for raising by way of lottery, a sum not exceeding twenty thousand dollars, to be applied to the defraying the expenses of paving the streets in the borough of Lancaster in the county of Lancaster," (original act vol. 3, p. 281,) passed 28th January, 1813; recorded in law book No. XIII. p. 316; obsolete.

A. D.

1813. CHAP. 3628. An act to vest certain lands therein mentioned, granted to the ministers, trustees, elders, and deacons of the German Reformed congregation, in the city of Philadelphia, in the state of Pennsylvania, in the ministers, trustees, elders, and deacons of the German Reformed congregation in the city of Philadelphia, in the province of Pennsylvania, and to enable them to sell and convey the same; (See vol. 2, p. 498;) passed 28th January, 1813; recorded in law book No. XIII. p. 318; private.
3629. An act to enable William M'Ewen, and David Watson, administrators of John Watson, deceased, to convey certain real estate therein mentioned; passed 28th January, 1813; recorded in law book No. XIII. p. 324; private.
3630. An act supplementary to an act relative to the removal of the seat of justice, in Bucks county, (original act vol 5, p. 97;) passed 28th January, 1813; recorded in law book No. XIII p. 322; obsolete.
3631. A further supplement to the act, entitled, "An act for erecting part of the counties of Berks and Northampton, into a separate county, (original act vol. 5, p. 201;) passed 28th January, 1813: recorded in law book No. XIII. p. 322; obsolete.
3632. An act making an appropriation for the employment of an additional clerk in the office of the secretary of the commonwealth; passed 28th January, 1813; recorded in law book No. XIII. p. 323; obsolete.
3633. An act enabling a committee appointed by the Court of Common Pleas of Westmoreland county, to sell and convey the real estate of William Guthrie, a lunatic; passed 4th February, 1813; recorded in law book No. XIII. p. 324; private.
3634. An act to enable Margaret Allen to hold certain real estate by her purchased in the county of Philadelphia; passed 4th February, 1813; recorded in law book No. XIII. p. 328; private.
3638. An act for the relief of Arthur St. Clair; passed 4th February, 1813; recorded in law book No. XIII. p. 328; repealed, (ch. 3806.)
3640. An act for the relief of George Nagle; passed 4th February, 1813; recorded in law book No. XIII. p. 329; private.
3641. An act granting aid, to erect a bridge across Licking creek in the county of Bedford; passed 4th February, 1813; recorded in law book No. XIII. p. 370; obsolete.
3642. A further supplement to an act, entitled "An act directing the sales of certain town-lots in the town of Beaver, and other land adjacent thereto"; passed 4th February, 1813; recorded in law book No. XIII. p. 331; expired.
3643. An act for the relief of John Bioren; passed 9th February 1813; recorded in law book No. XIII p. 332; obsolete.
3644. An act granting to John Vogan, a tract of land therein mentioned: passed 9th February, 1813; recorded in law book No. XIII. p. 332; private.
3645. An act to compensate Cornelius Vanhorn, a Pennsylvania claimant of lands in Luzerne county; passed 9th February, 1813; recorded in law book No. XIII. p. 333; private.
3646. An act to enable the accountant officers to adjust and settle the accounts of services and expenditures in relation to the militia, called into the services of the United States and of this state; passed 9th February, 1813: recorded in law book No. XIII. p. 334; obsolete.
3652. An act granting to John Rankin, a tract of donation land; passed 16th February, 1813; recorded in law book No. XIII. p. 346; obsolete.
3655. An act authorising Andrew Bozorth, and doctor Phineas Jenks, executors of the last will and testament of Hannah Dyer, deceased, to sell and convey a certain tract of land therein mentioned; passed 16th February, 1813; recorded in law book No. XIII. p. 354; private.
3661. An act enabling Ralph Ewalt and Archibald Ewalt, to convey a certain tract of land therein mentioned to George Reynolds; passed 25th February, 1813: recorded in law book No. XIII. p. 370; private.

A. D.

1813. CHAP. 3662. An act for the relief of Joshua Williams, late a captain in the fourth Pennsylvania regiment; passed 25th February, 1813; recorded in law book No. XIII. p. 371; obsolete.
3665. An act to enable Jonathan Bowen and Thomas Blackburn, executors of Thomas Bowen, deceased, to sell and convey certain tracts of land therein mentioned; passed 25th February, 1813; recorded in law book No. XIII. p. 373; private.
3667. An act to authorise the guardians of Phebe Wadhams and Lydia Wadhams, minors, and heirs of Moses Wadham, late of Luzerne county, deceased, to convey certain land; passed 25th February, 1813; recorded in law book No. XIII. p. 378; private.
3668. An act to grant compensation for extra services, to the militia of this commonwealth now in service, under the command of General William Henry Harrison; passed 27th February, 1813: recorded in law book No. XIII. p. 387; obsolete.
3670. An act granting a tract of donation land to the legal heirs of Francis Miller, deceased, a sergeant in the Pennsylvania line; (See ch. 3832;) passed 4th March, 1813; recorded in law book No. XIII. p. 390; obsolete.
3675. An act directing the state treasurer to refund any monies received from the estate of Thomas Gallagher deceased; passed 4th March, 1813; recorded in law book No. XIII. p. 402; obsolete.
3677. An act granting to Matthew Knox two tracts of donation land; passed 12th March, 1813; recorded in law book No. XIII. p. 404; obsolete.
3680. An act for the relief of Joseph Hollar; passed 12th March, 1813; recorded in law book No. XIII. p. 415; obsolete.
3681. An act to confer on James Fleming, the younger, the rights and benefits of a child born in lawful wedlock; passed 12th March, 1813; recorded in law book No. XIII. p. 415; private.
3682. An act to grant a sum of money to the Bustleton academy, in the county of Philadelphia; passed 12th March, 1813; recorded in law book No. XIII. p. 415; private.
3683. An act authorising Andrew Swranger, guardian of Elizabeth Taylor, a minor to sell a lot of ground therein mentioned; passed 12th March, 1813; recorded in law book No. XIII. p. 416; private.
3685. An act to confirm the title of Abraham Walker to a certain tract of land in Bedford county; passed 12th March, 1813; recorded in law book No. XIII. p. 418; private.
3686. An act for the relief of Elizabeth Currens, in the county of Chester; passed 12th March, 1813; recorded in law book No. XIII. p. 419; private.
3687. An act enabling a committee appointed by the Court of Common Pleas of Westmoreland county, to sell and convey the real estate of Catharine Waldhaur a lunatic; passed 12th March 1813; recorded in law book No. XIII. p. 420; private.
3688. An act confirming the title of John Williams, to certain lands therein mentioned: passed 12th March, 1813; recorded in law book No. XIII. p. 422; private.
3689. An act granting to Jacob Warner a soldier of the revolutionary war, a tract of donation land: passed 12th March, 1813; recorded in law book No. XIII. p. 422; obsolete.
3692. An act granting a tract of donation land and a gratuity to Henry Young; passed 12th March, 1813: recorded in law book No. XIII. p. 462; obsolete.
3693. An act authorizing the governor to appoint commissioners for the purpose of laying out a road from the borough of West Chester in Chester county to M'Calls ferry on the Susquehanna; passed 12th March, 1813: recorded in law book No. XIII. p. 427; repealed (ch. 3958,) and road as laid out, vacated.

A. D.

1813. CHAP. 3694. An act to enable Alexander Mack, guardian of and for the minor children of Agness Mack, deceased, to sell and convey two certain tracts of land to the purchaser thereof: passed 12th March 1813; recorded in law book No. XIII. p. 428; private.
3696. An act authorizing Thomas Forster to convey a certain tract of land therein mentioned: passed 12th March, 1813: recorded in law book No. XIII. p. 431; private.
3697. An act authorizing the governor of this commonwealth to subscribe to a loan opened by the government of the United States: passed 12th March, 1813; recorded in law book No. XIII. p. 430. (Sup. ch. 3798;) obsolete.
3698. An act for the relief of Enoch Morgan, late a paymaster in the revolutionary war: passed 12th March, 1813; recorded in law book No. XIII. p. 433; obsolete.
3699. An act granting a tract of donation land to the trustees of Butler academy in the county of Butler: passed 12th March, 1813; recorded in law book No. XIII. p. 433; obsolete.
3700. An act for the further relief of James Purdy: passed 22d March, 1813; recorded in law book No. XIII. p. 433; obsolete.
3701. An act authorising the administrators of the estate of Casper Wight, to convey a tract of land in Antis township, Huntingdon county: passed 22d March, 1813; recorded in law book No. XIII. p. 434; private.
3709. An act confirming the title of a tract of land in Chester county to Tacy Freeman: passed 22d March, 1813; recorded in law book No. XIII. p. 483; private.
3710. An act for the relief of Samuel Lucus of Indiana county, and Samuel Burns of Montgomery county, soldiers of the revolutionary war: passed 22d March, 1813; recorded in law book No. XIII. p. 484; obsolete.
3711. An act releasing to Margaret Duncan the right of this commonwealth to a certain escheated estate: passed 22d March, 1813; recorded in law book No. XIII. p. 484; private.
3712. An act to authorise Lewis Rush to sell and convey a tract of land therein mentioned: passed 22d March, 1813; recorded in law book No. XIII. p. 486; obsolete.
3717. An act granting a tract of donation land, to Thomas Little, a soldier in the revolutionary war: passed 22d March, 1813; recorded in law book No. XIII. p. 498; obsolete.
3720. An act to enable John Carlisle and George Bratton, administrators of John Carlisle, late of Mifflin county, deceased, to convey a half lot of ground to William Chriswell; passed 22d March, 1813; recorded in law book No. XIII. p. 505; private.
3721. An act to authorise and empower the ministers, vestrymen and church wardens of the German Lutheran congregation, in and near the city of Philadelphia, in the state of Pennsylvania, to sell, dispose of, and convey certain lands therein mentioned: passed 25th March 1813; recorded in law book No. XIII. p. 505; private.
3722. An act fixing the salaries of the officers therein mentioned: passed 25th March, 1813; recorded in law book No. XIII. p. 507; repealed (ch. 4922.)
3723. An act enabling a committee appointed by the Court of Common Pleas, of Bucks county, to sell and convey the real estate of Elizabeth Martin, a lunatic; passed 25th March, 1813; recorded in law book No. XIII. p. 507; private.
3725. An act to amend and continue "An act for establishing a health office and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases," and the supplement thereto; passed 25th March, 1813; recorded in law book No. XIII. p. 509; repealed ch. 4483.
3726. An act making appropriations to defray certain expenses of government, therein mentioned: passed 25th March 1813; recorded in law book No. XIII. p. 514; obsolete.

A. D

1813. CHAP. 3727. An act authorising the trustees of the Christian church, in Centre township, Northumberland county, and Daniel Hassinger, executor of Jacob Hassinger deceased, to make certain conveyances; passed 25th March, 1813; recorded in law book No. XIII. p. 516; private.
3730. An act granting a tract of donation land to Thomas Vaughan, an old soldier; passed 25th March, 1813; recorded in law book No. XIII. p. 522; obsolete.
3731. An act for the relief of William Campbell; passed 25th March, 1813; recorded in law book No. XIII. p. 522; obsolete.
3732. An act to provide for the purchase of ammunition and military stores; passed 25th March, 1813; recorded in law book No. XIII. p. 523; obsolete.
3733. An act to dissolve the marriage contract of William Watson, and Jemima his wife; passed 25th March, 1813; recorded in law book No. XIII. p. 524; private.
3735. An act authorising the trustees of New Providence congregation, in the county of Greene, to convey a certain tract of land therein mentioned to Timothy Smith; passed 25th March, 1813; recorded in law book No. XIII. p. 527; private.
3737. An act authorising a loan of money to Caleb Johnson, of the borough of Harrisburg; passed 26th March, 1813; recorded in law book No. XIII. p. 529; obsolete.
3738. An act granting donation lands to the widow and children of William Noble, late a sergeant in the revolutionary war, and to Robert Hamilton, an old soldier; passed 26th March, 1813; recorded in law book No. XIII. p. 530; obsolete.
3739. An act to enable William Boor and Lewis Zering, administrators of Adam Greigher, late of Allen township, in the county of Cumberland, deceased, to convey a tract of land to Philip Pizel; passed 26th March, 1813; recorded in law book No. XIII. p. 530; private.
3741. An act for the relief of Thomas Means; passed 26th March, 1813; recorded in law book No. XIII. p. 534; obsolete.
3745. An act granting to Andrew Finley two tracts of donation land; passed 26th March, 1813; recorded in law book No. XIV. p. 539; obsolete.
3747. An act authorising the guardians of the persons and estates of the minor children of Thomas M'Creary, deceased, to convey and receive conveyance of land; passed 26th March 1813; recorded in law book No. XIV. p. 1; private.
3749. An act to authorise the guardian of the persons and estate of the minor children of John Jacobs, deceased, to convey a plantation or tract of land therein described; passed 26th March, 1813; recorded in law book No. XIV. p. 3; private.
3751. An act to enable Michael Crow, administrator with the will annexed, of John Huhn, deceased, to sell and convey a certain tract of land and mills therein mentioned; passed 26th March, 1813; recorded in law book No. XIV. p. 6; private.
3752. An act dissolving the marriage of Michael Miller and Catharine Miller; passed 26th March, 1813; recorded in law book No. XIV. p. 8; private.
3754. An act to enable Samuel Mason of the city of Philadelphia to execute a deed of conveyance for a lot of ground therein mentioned; passed 26th March, 1813; recorded in law book No. XIV. p. 11; private.
3755. An act granting a sum of money to aid in removing obstructions out of the Mashannon creek; passed 29th March 1813; recorded in law book No. XIV. p. 12; obsolete.
3756. An act to authorise the executors of James Bringham, deceased to make a title to Augustine Bosquet for certain real estate therein mentioned; passed 29th March, 1813; recorded in law book No. XIV. p. 14; private.
3757. An act for the relief of Henry Zerfas; passed 29th March, 1813; recorded in law book No. XIV. p. 16; obsolete.

A. D.

1813. CHAP. 3759. An act authorising James Wright, and James Wright jun. administrators of the estate of Samuel Wright, late of the town of Columbia, deceased, to execute certain deeds; passed 29th March, 1813; recorded in law book No. XIV. p. 21; private.
3761. An act to render valid the title of Samuel Winpenny, an alien, to a certain real estate therein mentioned; passed 29th March 1813; recorded in law book No. XIV. p. 23; private.
3764. An act for the relief of sundry landholders in the manor of Springetisbury, in the county of York; passed 29th March 1813; recorded in law book No. XIV. p. 26; obsolete.
3766. An act compensating Jared Ingersoll for his report on the penal code, and other services; passed 29th March, 1813; recorded in law book No. XIV. p. 28; obsolete.
3773. An act making further provision for the militia and volunteers of this state, in the service of the United States; passed 29th March 1813; recorded in law book No. XIV. p. 47; obsolete.
3775. An act for the sale of two tracts of land to Ebenezer and Benjamin Slocum; passed 29th March, 1813; recorded in law book No. XIV. p. 51; private.
3780. An act authorising the purchase of certain books therein mentioned; passed 29th March 1813; recorded in book No. XIV. p. 69; obsolete.
3785. An act to authorise the sale of part of the real estate of Henry Musser, a lunatic; passed 29th March 1813; recorded in law book No. XIV. p. 73; private.
3789. An act for the relief of George Baumgartner of Westmoreland county, John Downs of Huntingdon county, and Robert Lyon of Northumberland county, and granting to James Sweeny, in trust for the heirs of Isaac Sweeny, deceased, a tract of land; passed 29th March, 1813; recorded in law book No. XIV. p. 75; obsolete.
3790. An act to dissolve the marriage of Samuel Robb and Louisa his wife; passed 29th March, 1813; recorded in law book No. XIV. p. 76; private.
3794. A further supplement to an act, entitled "An act to raise by way of lottery, a sum not exceeding eight thousand dollars for the use and benefit of the minister, wardens and vestry of the African episcopal church of Saint Thomas, in the city of Philadelphia; see (ch. 2410, 3055;) passed 29th March 1813; recorded in law book No. XIV. p. 88; obsolete.
3795. An act granting a tract of donation land to the legal heirs of John Knap-snyder, deceased, late a soldier in the Pennsylvania line; passed 29th March, 1813; recorded in law book No. XIV. p. 88; obsolete.
3797. An act for the relief of the heirs of John Smith, an old soldier; passed 29th March, 1813; recorded in law book No. XIV. p. 89; obsolete.
3798. A supplement to the act (ch. 3697) entitled "An act authorising the governor of this commonwealth to subscribe to a loan to the government of the United States; passed 29th March, 1813; recorded in law book No. XIV. p. 101; obsolete.
3799. An act to provide for the erection of an arsenal, in the city of Philadelphia; passed 29th March, 1813; recorded in law book No. XIV. p. 90; obsolete.
3801. A further supplement to the act, for the regulation of the militia of the commonwealth of Pennsylvania; passed 29th March, 1813; recorded law book No. XIV. p. 92; repealed (ch. 3993)
3805. An act providing for the payment of that part of the direct tax of the United States which was apportioned to this state: passed 20th of December, 1813; recorded in law book No. XIV. p. 117; obsolete.
3806. An act for the relief of Arthur St. Clair: passed 20th of December, 1813; recorded in law book No. XIV. p. 117; obsolete.

A. D.

1814. CHAP. 3814. An act confirming the title of Caleb Hoopes to a tract of land in Delaware county : passed the 21st of January, 1814 ; recorded in law book No. XIV p. 153 ; private.
3819. An act to authorise Isaac W. Norris, administrator with the will annexed, of Joseph Summerl, late of the city of Philadelphia, merchant, deceased, to grant and convey the real estate of the said Joseph Summerl, directed by his will to be sold ; passed 31st January, 1814 ; recorded in law book No. XIV p. 158 ; private.
3824. A further supplement to the act, entitled " An act for the regulation of the militia of this commonwealth." : passed 7th February, 1814 ; recorded in law book No. XIV. p. 172 ; repealed (ch. 3993)
3827. An act releasing to John Easterline and Magdalena Easterline the right of this commonwealth to a certain escheated estate : passed 17th February, 1814 ; recorded in law book No. XIV. p. 75 ; private.
3832. An act to confirm to William Lawson the right to a certain tract of land therein mentioned ; passed 21st February, 1814 ; recorded in law book No. XIV. p. 178 ; obsolete.
3842. An act for the relief of the militia of this state when called into the service of the United States ; passed 22d February, 1814 ; recorded in law book No. XIV. p. 192 ; obsolete.
3844. An act releasing to Anna Maria Loyer, the right of this commonwealth to a certain escheated estate : passed 25th February, 1814 ; recorded in law book No. XIV. p. 194 ; private
3853. An act authorising the governor to negotiate a loan for the use of the commonwealth : passed the 25th February, 1814 ; recorded in law book No. XIV p. 212 ; obsolete.
3856. An act vesting a certain escheated estate, late the property of Jabez Bailey, of Chester county, deceased : passed 9th March, 1814 ; recorded in law book No. XIV. p. 219 ; private.
3857. An act to authorise the administrators of David Brandt deceased, to convey a tract of land in Allen township, Cumberland county : passed 9th March, 1814 ; recorded in law book No. XIV. p. 220 ; private.
3861. An act for the relief of Joseph Horner : passed 9th March, 1814 ; recorded in law book No. XIV. p. 231 ; obsolete.
3862. An act for the relief of John Stengor : passed 9th March, 1814 ; recorded in law book No. XIV. p. 232 ; obsolete.
3863. An act for the relief of John Fogle : passed 9th March, 1814 ; recorded in law book No. XIV p. 233 ; obsolete.
3864. An act to annul the marriage of Michael Kapp, junr. and Catharine his wife : passed 9th March, 1814 ; recorded in law book No. XIV. p. 234 ; private.
3865. An act for the relief of the heirs of James Armstrong, deceased : passed 9th March, 1814 ; recorded in law book No. XIV. p. 235 ; obsolete.
3870. An act for the relief of sundry persons who furnished provisions and other necessaries for those volunteers who marched to the relief of the frontiers of the state of Ohio : passed 14th March, 1814 ; recorded in law book No. XIV. p. 239 ; obsolete.
3871. An act releasing to Rebecca Reed the right of this commonwealth to a certain escheated estate : passed 14th March, 1814 ; recorded in law book No. XIV. p. 241 ; obsolete.
3874. An act releasing to Melshey Patton the right of this commonwealth to a certain escheated estate : passed 14th March, 1814 ; recorded in law book No. XIV. p. 250 ; private
3878. An act providing for the payment of the detachment of militia which marched to the defence of Elkton in Maryland : passed 14th March, 1814 ; recorded in law book No. XIV. p. 255 ; obsolete.
3880. An act for the relief of Henry Lutz, Michael Langenback and George Biegbly, old soldiers ; passed 14th March, 1814 ; recorded in law book No. XIV. p. 257 ; obsolete.

A. D.

1814. CHAP. 3883. An act divorcing John Rose, and Martha his wife, from the bonds of matrimony: passed 14th March, 1814; recorded in law book No. XIV. p. 259; private.
3887. An act for the relief of Elizabeth Harkins: passed 14th March, 1814; recorded in law book No. XIV. p. 267; obsolete.
3898. An act for the relief of John Robison and Alexander M'Curdy, old soldiers: passed 18th March, 1814; recorded in law book No. XIV. p. 328.
3904. An act vesting the title of a certain piece of land in Redbank township, in the county of Armstrong, in certain trustees and their successors, for the use of Piney creek associate congregation in said township; passed 22d March, 1814; recorded in law book No. XIV. p. 367; private.
3911. An act for the relief of Martin Reiley: passed 22d March, 1814; recorded in law book No. XIV. p. 394; obsolete.
3915. An act authorizing the state treasurer to pay to John Means a sum of money therein mentioned: passed 25th March, 1814; recorded in law book No. XIV. p. 399; obsolete.
3918. An act authorizing the governor to contract with Jacob Elder to print the laws of this commonwealth; passed 26th March, 1814; recorded in law book No. XIV. p. 405; obsolete.
3921. An act to enlarge the limits of the borough of Bedford; passed 26th March, 1814; recorded in law book No. XIV. p. 411; repealed (ch. 4308.)
3922. An act authorising Roswell Welles and Sarah Hodge, executors of the last will and testament of Jeremiah Coleman, deceased, to make a title for a certain tract of land therein mentioned: passed 26th March, 1814; recorded in law book No. XIV. p. 412; private.
3931. An act authorizing the officers of the land office to dismiss a certain caveat: passed 28th March, 1814; recorded in law book No. XIV. p. 465; obsolete.
3936. An act to enable the executors of Walter Clark to convey a certain piece of ground: passed 28th March, 1814; recorded in law book No. XIV. p. 471; private.
3937. An act enabling John Fleming and Thomas Burnside to convey a certain tract of land in the county of Lycoming; passed 28th March, 1814; recorded in law book No. XIV. p. 472; private.
3938. An act authorising certain administrators to complete the titles to lots and lands therein mentioned: passed 28th March, 1814: recorded in law book No. XIV. p. 474; private.
3939. An act authorising the partition of certain lands in the counties of Armstrong, Indiana and Jefferson: passed 28th March, 1814; recorded in law book No. XIV. p. 476; obsolete.
3940. A further supplement to an act, entitled "An act for the relief of Dickinson College": passed 28th March, 1814; recorded in law book No. XIV. p. 479; obsolete.
3942. An act to enable Hardman Philips to receive certain conveyances, and grant and convey certain lands; passed 28th March, 1814; recorded in law book No. XIV. p. 481; private.
3948. An act for the relief of the heirs of Joseph Flora, deceased: passed 28th March, 1814; recorded in law book No. XIV. p. 487; obsolete.
3947. An act authorizing the governor to appoint commissioners to view and examine the river Monongahela for the borough of Pittsburg to the southern boundary of this state, for purposes therein mentioned; passed 28th March, 1814; recorded in law book No. XIV. p. 485; obsolete.
3949. An act for the relief of Robert Neilson, and for the redemption of certain certificates of state debt: passed 28th March, 1814; recorded in law book No. XIV. p. 489; obsolete.
3950. An act compensating Jared Ingersoll for preparing certain bills amending the penal laws: passed 28th March, 1814; recorded in law book No. XIV. p. 491; obsolete.

- A. D.
1814. CHAP. 3951 An act to authorize the executors of John Hawk, deceased, to convey a tract of land in East Pennsborough township, in the county of Cumberland; passed 28th March, 1814; recorded in law book No. XIV. p. 491; private.
3952. An act to authorize the accountant officers of this commonwealth to open their accounts with William Henderson, late treasurer of Montgomery county: passed 28th March, 1814; recorded in law book No. XIV. p. 493; obsolete.
3961. An act for the relief of Eleanor Hoffman: passed 28th March, 1814; recorded in law book No. XIV. p. 521; private.
3962. An act for the relief of certain purchasers of lands in Wayne county, late the property of Henrietta Laura Pulteney: passed 28th March, 1814; recorded in law book No. XIV. p. 523; private.
3969. An act vesting in the inhabitants of the town of Franklin, in Venango county, the right to a certain piece of ground now in use as a burial ground, and also a part of Otter-street adjoining the same; passed 28th March, 1814; recorded in law book No. XIV. p. 541; obsolete.
3973. An act for the relief of James Woodburn: passed 28th March, 1814; recorded in law book No. XIV. p. 551; obsolete.
3978. An act enabling Andrew Oliphant, guardian of William Smith, a lunatic, to sell and convey real estate: passed 28th March, 1814; recorded in law book No. XIV. p. 574; private.
3980. An act authorising Samuel Graves, guardian of the minor children of John Brewer, deceased, to sell and convey a lot of ground therein mentioned: passed 28th March, 1814; recorded in law book No. XIV. p. 577; private.
3981. An act to authorise the sale of the real estate of the late Henry Bruster, of the Northern Liberties, in the county of Philadelphia, deceased: passed 28th March, 1814; recorded in law book No. XIV. p. 578; private.
3984. A supplement to an act erecting parts of Northumberland county into separate counties to be called Union and Columbia: passed 28th March, 1814; recorded in law book No. XIV. p. 585; obsolete.
3985. An act confirming the title of William and Robert Purvis, aliens, to certain lands, and a house and lot therein mentioned; passed 28th March, 1814; recorded in law book No. XIV. p. 586; private.
3986. An act providing for the settlement of sundry accounts for military expenditures therein mentioned and for other purposes; passed 28th March, 1814; recorded in law book No. XIV. p. 587; obsolete.
3987. An act making compensation to the heirs of Daniel Broadhead, deceased, for certain lands valued and certified to Connecticut claimants in the county of Luzerne; passed 28th March, 1814; recorded in law book No. XIV. p. 588; obsolete.
3992. An act to authorise Abraham Brouse and Jacob Harman to sell a tract of land therein mentioned; passed 28th March, 1814; recorded in law book No. XIV. p. 594; private.
3993. An act for the regulation of the militia of this commonwealth; passed 28th March, 1814; recorded in law book No. XIV. p. 595; repealed, (ch. 5078.)
3998. An act vesting in certain banking institutions within this commonwealth the power of issuing small notes: passed 28th December, 1814; recorded in law book No. XV. p. 45; expired.
1815. 4000. An act to enable the overseers of the public school, founded by charter in the town and county of Philadelphia, to make certain releases: passed 2d January, 1815; recorded in law book No. XV. p. 46; obsolete.
4001. An act to authorise the administrators of the estate of Calvin Hathaway to complete the title of a certain tract of land therein mentioned: passed 2d January, 1815; recorded in law book No. XV. p. 47; obsolete.
4002. An act to authorise the governor to contract with Joseph G. Chambers, for certain arms for the use of this commonwealth: passed 2d January, 1815; recorded in law book No. XV. p. 48; obsolete.

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1815. CHAP. 4004. An act to authorise the executors of Thomas Davenport, deceased, to convey a tract of land in Plymouth township, in Luzerne county; passed 9th January, 1815; recorded in law book No. XV p. 57; obsolete.
4005. An act relating to the choice of state treasurer: passed 9th January, 1815; recorded in law book No. XV p. 58; obsolete.
4006. An act authorising the employment of two additional clerks in the office of auditor general: passed 16th January, 1815; recorded in law book No. XV. p. 58; obsolete.
4008. An act directing the secretary of the land office, to issue patents in certain cases therein mentioned: passed 16th January, 1815; recorded in law book No. XV. p. 65; obsolete.
4014. An act to amend an act, entitled "An act authorising the partition of certain lands in the counties of Armstrong, Indiana and Jefferson," passed 6th February, 1815; recorded in law book No. XV. p. 75; obsolete.
4016. A supplement to the act, (ch. 3942,) entitled "An act to enable Hardman Phillips to receive certain conveyances and grant certain lands"; passed 6th February, 1815; recorded in law book No. XV. p. 77; private.
4023. A further supplement to the act, entitled "An act incorporating that part of the township of the Northern Liberties, lying between the west side of Sixth street and the river Delaware, and between Vine street and Cohocksink creek"; passed the twenty-ninth day of March, one thousand eight hundred and three; passed 8th February, 1815; recorded in law book No. XV. p. 91; repealed, (ch. 4711.)
4024. An act granting additional emoluments to seamen employed in the defence of this commonwealth; passed 8th February, 1815; recorded in law book No. XV p. 93; repealed, (ch. 4098.)
4027. An act, dissolving the marriage of Francis D. Cummins and Eliza his wife; passed 21st February, 1815; recorded in law book No. XV. p. 97; obsolete.
4029. An act confirming the title of Henry Voights, an alien, to a certain tract of land; passed 21st February, 1815; recorded in law No. XV. p. 100; private.
4031. An act appropriating certain militia fines to the improvement of public roads; passed 1st March, 1815; recorded in law book No. XV p. 102; obsolete.
4032. An act to authorise Elizabeth Hale, guardian of the persons and estates of Mary Wood Hale, Thomas Hale, Elizabeth Hale and Matthew Hale, minors, to sell and convey their share of two tracts of land in Cumberland county; passed 1st March, 1815; recorded in law book No. XV. p. 103; private.
4035. An act to authorise the trustees of the Methodist Episcopal congregation in the borough of Carlisle, in the county of Cumberland to sell and convey a lot of ground in said borough; passed 1st March, 1815; recorded in law book No. XV. p. 109; obsolete.
4037. An act directing the secretary of the land office, to issue a patent to James Herrington, for a tract of donation land; passed 1st March, 1815; recorded in law book No. XV. p. 117; private.
4043. A supplement to the act, entitled "An act authorising the loan of money from the state to the commissioners of Mercer county"; passed 1st March, 1815; recorded in law book No. XV. p. 124; obsolete.
4044. An act divorcing Christian Heistand and Barbara, his wife, from the bonds of matrimony; passed 1st March, 1815; recorded in law book No. XV. p. 125; private.
4045. An act for the relief of certain brigade inspectors; passed 1st March, 1815; recorded in law book No. XV. p. 125; obsolete.
4046. An act for the relief of George Parson; passed 1st March, 1815; recorded in law book No. XV. p. 126; obsolete.
4048. An act for the relief of Jacob Nell; passed 1st March, 1815; recorded in law book No. XV. p. 128; obsolete.

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1815. CHAP. 4049. An act for the relief of Andrew McDowel and Adam Hill old soldiers ; passed 4th March, 1815 ; recorded in law book No. XV. p. 128 ; obsolete
4053. An act to authorise the executors of Francis Rhoads, deceased, to convey a lot of ground in the town of Selins-grove, in the county of Union ; passed 4th March, 1815 ; recorded in law book No. XV. p. 138 ; private.
4054. An act authorising John Snyder and Peter Cook, trustees of the German Presbyterian congregation in Guildford township, Franklin county, to sell and convey certain lands therein mentioned ; passed 4th March, 1815 ; recorded in law book No. XV. p. 139 ; private.
4055. An act to authorise Ralph Funk and John W. Burson, executors of the estate of Henry Funk, deceased, to make and execute a title for a certain lot of land therein mentioned ; passed 4th March, 1815 ; recorded in law book No. XV. p. 140.
4059. A supplement to an act, (ch. 3952.) entitled “ An act to authorise the accountant officers of this commonwealth, to open their accounts with William Henderson late treasurer of Montgomery county” ; passed 8th March, 1815 ; recorded in law book No. XV. p. 168 ; obsolete.
4070. An act for the relief of Jacob Gritt ; passed 11th March, 1815 ; recorded in law book No. XV. p. 199 ; obsolete.
4072. An act authorising the executors named in the last will and testament of William Hoge, deceased, and the administrators of Samuel Miller, late of Washington county, deceased, to complete the titles to certain lots of land ; passed 11th March, 1815 ; recorded in law book No. XV. p. 201 ; private.
4076. An act to authorise William Hunter, of Butler county, to convey certain lands ; passed 11th March, 1815 ; recorded in law book No. XV. p. 218 ; obsolete.
4077. An act to revive an act, entitled “ An act authorising the governor to appoint commissioners to view and examine the river Monongahela, from the borough of Pittsburg to the southern boundary of the state, and for other purposes therein mentioned” ; passed 11th March, 1815 ; recorded in law book No. XV. p. 219 ; obsolete.
4082. An act to enable the recorder of deeds for the city and county of Philadelphia, to complete the records appertaining to his office ; passed 11th March, 1815 ; recorded in law book No. XV. p. 223 ; obsolete.
4085. An act authorising the governor to negotiate a loan for paying the militia and volunteers of this state, late in the service of the United States ; passed 11th March, 1815 ; recorded in law book No. XV. p. 225 ; obsolete.
4088. An act to authorize the guardian of Catharine Felty to execute certain releases therein mentioned ; passed 11th March 1815 ; recorded in law book No. XV. p. 231.
4090. An act confirming the titles of William Mitchenor, and others, to certain lots in the village of Charleston, in Lancaster county ; passed 11th March, 1815 ; recorded in law book No. XV. p. 234 ; private.
4093. An act authorising the board of property to decide on a certain caveat ; passed 11th March, 1815 ; recorded in law book No. XV. p. 237 ; obsolete.
4094. An act authorising a loan of money to colonel Rees Hill ; passed 11th March, 1815 ; recorded in law book No. XV. p. 238 ; obsolete.
4098. An act to repeal an act, (ch. 4024,) entitled “ An act granting additional emoluments to seamen employed in the defence of this commonwealth” ; passed 13th March, 1815 ; recorded in law book No. XV. p. 252 ; obsolete.
4099. An act, divorcing Joseph St. Leger De Happart, and Elizabeth his wife, from the bonds of matrimony ; passed 13th March, 1815 ; recorded in law book No. XV. p. 253 ; private.
4100. An act to authorise Amariah Watson and James Nisbitt, administrators of Samuel Ayres, deceased, to sell and convey certain real estate ; passed 13th March, 1815 ; recorded in law book No. XV. p. 255 ; private.

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1815. CHAP. 4101. An act to change the name of Thomas Chronemiller to Thomas Baumgardner ; passed 13th March, 1815 ; recorded in law book No. XV. p. 255 ; private.
4102. An act to authorise the guardian of the minor children of Doctor George Buchanan, to sell a certain lot of ground ; passed 13th March, 1815 ; recorded in law book No. XV. p. 255 ; private.
4103. A further supplement to the act, entitled " An act erecting parts of Northumberland county into separate counties, to be called Union and Columbia" ; passed 13th March, 1815 ; recorded in law book No. XV. p. 257 ; obsolete.
4107. An act to enable Yost Miller, administrator of the estate of John Troyer, late of Somerset county, deceased, to convey a certain tract of land therein mentioned ; passed 13th March, 1815 ; recorded in law book No. XV. p. 272 ; private.
4109. An act authorising Paul Morrow and Samuel Guthrie, guardians over the persons and estates of the minor children of George Heys, deceased, to sell and convey a lot of ground therein mentioned ; passed 13th March, 1815 ; recorded in law book No. XV. p. 275 ; private.
4111. An act to authorise the administrators of the estate, and the guardian of the minor children of Thomas Greer, deceased, to complete the title to certain lands therein mentioned ; passed 13th January, 1816 ; recorded in law book No. XV. p. 277 ; obsolete.
4113. An act providing for repairing the State House in the city of Philadelphia ; passed 13th March, 1815 ; recorded in law book No. XV. p. 286 ; obsolete.
4116. An act confirming the title of Abraham Warfel, his heirs or assigns, for ever, to an island in the river Susquehanna, called Willow island ; passed 13th March, 1815 ; recorded in law book No. XV. p. 287 ; private.
4121. An act to vest the estate of Gideon Dunn, late of the county of Delaware in his wife and representatives ; passed 13th March, 1815 ; recorded in law book No. XV. p. 301 ; private.
4122. An act to authorise James Barton and George Biddis, their heirs or assigns, to convey water from a spring or stream of water called the Vandine Kill. into the town of Milford, in the county of Pike ; passed 13th March, 1815 ; recorded in law book No. XV. p. 315. (See ch. 4122 and 4227.)
4126. An act to provide for the adjustment of certain military expenditures ; passed 13th March, 1815 ; recorded in law book No. XV. p. 317 ; obsolete.
4127. An act making appropriation to defray certain expenses of government therein mentioned ; passed 13th March, 1815 ; recorded in law book No. XV. p. 318 ; obsolete.
1816. 4128. An act releasing to Christopher Hassinger and Elizabeth Hess, the right of this commonwealth to a certain escheated estate ; passed 11th January, 1816 ; recorded in law book No. XV. p. 334 ; private.
4129. An act vesting the title of a certain piece of land in Somerset township and county of Washington, in certain trustees and their successors, for the use of the German Lutheran and Calvinist congregation in said township ; passed 11th January, 1816 ; recorded in law book No. XV. p. 335 ; private.
4132. An act to vest in Sarah Vernon the estate of her natural son, Emmor Vernon, late of Delaware county, deceased ; passed 11th January, 1816 ; recorded in law book No. XV. p. 337 ; private.
4133. An act authorising Mary M'Creary, one of the guardians of the persons and estates of the minor children of Thomas M'Creary, deceased, to execute and receive certain releases therein mentioned, and to repeal an act heretofore passed relating thereto ; passed 11th January, 1816 ; recorded in law book No. XV. p. 338 ; private.

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1816. CHAP. 4134. An act authorising Elizabeth Deal and Charles Albrecht, executors of the last will and testament of Jacob Deal, deceased, to sell and convey the estate therein mentioned ; passed 11th January, 1816 ; recorded in law book No. XV. p. 339 ; private.
4142. An act to authorise the purchase of certain copies of Smith's edition of the laws of Pennsylvania ; passed 25th January, 1816 ; recorded in law book No. XV. p. 350 ; obsolete.
4151. An act for the relief of Thomas Curtis ; passed 29th January, 1816 ; recorded in law book No. XV. p. 389 ; private.
4150. An act authorise the purchase and distribution of certian copies of the new edition of the laws of the United States ; passed 28th January, 1816 ; recorded in law book No. XV. p. 388 ; obsolete.
4152. An act for the better accommodation of the diseased poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties ; passed 30th January, 1815 ; recorded in law book No. XV. p. 390 ; expired.
4156. An act to extend " An act vesting in certain banking institutions within this commonwealth the power of issuing small notes ;" passed 8th February, 1816 ; recorded in law book No. XV. p. 399 ; expired.
4161. A supplement to the act (ch. 3655) authorising Andrew Bozorth and doctor Phineas Jenks, executors of the last will and testament of Hannah Dyer, deceased, to sell and convey a certain tract of land therein mentioned ; passed 8th February, 1816 ; recorded in law book No. XV. p. 414 ; private.
4166. An act concerning the sale of a tract of land of which John Burnside died possessed ; passed 13th February, 1816 ; recorded in law book No. XV. p. 421 ; private.
4167. An act to vest in Isabella M'Intyre the right of this commonwealth to the estate of her husband, Thomas M'Intyre, formerly of the city of Philadelphia, deceased ; passed 13th February, 1816 ; recorded in law book No. XV. p. 422 ; obsolete.
4168. An act to enable the representatives of Thomas Allibone, late of the city of Philadelphia, deceased, who are of full age, and the guardians of those who are minors, to convey and assure a lot of ground in the Northern Liberties of the city of Philadelphia ; passed 30th February, 1816 ; recorded in law book No. XV. p. 423 ; obsolete.
4169. An act to enable Joseph Crawford and William Hamill, executors of the last will and testament of William Clennal, an alien, late of Montgomery county, deceased, to convey certain real estate ; passed 13th February, 1816 ; recorded in law book No. XV. p. 425 ; private.
4173. An act for the relief of John Thompson ; passed 17th February, 1816 ; recorded in law book No. XV. p. 436 ; obsolete.
4175. An act authorising James Wilson, of York county, to convey the right to a tract of land of Mary Wilson, a lunatic, and for other purposes ; passed 17th February, 1816 ; recorded in law book No. XV. p. 437 ; private.
4176. An act authorising and empowering John More to execute a title to George Forney, for a certain real estate therein mentioned ; passed 17th February, 1816 ; recorded in law book No. XV. p. 438 ; private.
4178. An act to authorise the administrators of the estate of Thomas Hutcheson, to convey certain real estate ; passed 17th February, 1816 ; recorded in law book No. XV. p. 445 ; private.
4181. An act authorising the administrators of Israel Bringham to convey a certain tract of land ; passed 16th February, 1816 ; recorded in law book No. XV. p. 447 ; private.
4182. A supplement to the act, (ch. 4031,) entitled " An act appropriating certain militia fines to the improvement of public roads," passed 20th February, 1816 ; recorded in law book No. XV. p. 448 ; obsolete.
4185. An act directing certain payments to be made to the First Troop of City Cavalry ; passed 20th February, 1816 ; recorded in law book No. XV. p. 453 ; obsolete.

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1816. CHAP. 4198. An act enabling Peter Pedersen to purchase and hold real estate within this commonwealth; passed 5th March, 1816; recorded in law book No. XV. p. 474.
4199. An act for the relief of James Moore, of Beaver county; passed 5th March, 1816; recorded in law book No. XV. p. 475; obsolete
4200. An act to enable John S. Roulet, executor of the last will and testament of Victor Moreau, deceased, to sell and convey certain real estate therein mentioned; passed 5th March, 1816; recorded in law book No. XV. p. 476; private.
4204. An act to authorise George Eisenhuth, George Orwig, John Orwig and Jacob Orwig, to dig, establish and support a mill-race on the north side of Penn's creek, near the town of New Berlin, in the county of Union; passed 11th March, 1816; recorded in law book No. XV. p. 432.
4208. An act authorising the secretary of the land office to issue a patent to Amos Judson, for an in-lot in the town of Waterford, in Erie county; passed 13th March, 1816; recorded in law book No. XV. p. 489; private.
4211. An act to authorise the surveyor of the township of the Northern Liberties, in the county of Philadelphia, to re-survey, lay out and regulate Slesman's alley, in the incorporated district of the Northern Liberties; passed 13th March, 1816; recorded in law book No. XV. p. 499; repealed (ch. 4353.)
4213. An act vesting the title of a certain piece of land in Bethel township, and county of Bedford, in certain trustees and their successors, for the use of the Baptist congregation in said township: passed 13th March, 1816; recorded in law book No. XV. p. 503; obsolete
4216. An act to enable Edward Duffield and Joseph K. Swift, executors of John Swift, deceased, to sell and convey a certain tract of land therein mentioned; passed 13th March, 1816; recorded in law book No. XV. p. 511; private.
4225. An act authorising the purchase of a certain number of copies of the work of Samuel Roberts on the British statutes in force in Pennsylvania; passed 18th March, 1816; recorded in law book No. XV. p. 522; obsolete.
4226. An act for the relief of Benjamin Jennings, an old revolutionary soldier; passed 18th March, 1816; recorded in law book No. XV. p. 526.
4231. An act authorising the trustees of the Methodist Episcopal church in the borough of Chambersburg, to sell a certain lot of ground; passed 18th March, 1816; recorded in law book No. XV. p. 539; obsolete.
4232. An act providing for the redemption of certain certificates; passed 18th March, 1816; recorded in law book No. XV. p. 540; obsolete.
4243. An act to enable the executors of Walter Clark, to convey a certain tract of land; passed 19th March, 1816; recorded in law book No. XV. p. 580; private.
4255. An act to enable the executors of Valentine Kloess to sell certain real estate; passed 19th March, 1816; recorded in law book No. XVI. p. 5.
4256. An act confirming the titles of Henry Shroeder, David Scott and Hugh Mulholland, to certain lots of land therein mentioned; passed 19th March, 1816; recorded in law book No. XVI. p. 7; private.
4258. An act granting a bounty to certain volunteers and militia of this state; passed 19th March, 1816; recorded in law book No. XVI. p. 8; obsolete.
4259. An act to enable Everard Penrose, who was trustee for Margaret Fortman, deceased, to convey a certain tract of land; passed 19th March, 1816; recorded in law book No. XVI. p. 9; private.
4262. An act to enable Mercy Ellis, Joseph Whitaker and Samuel W. Morris, guardians of the minor children of William Ellis, late of Lycoming county, deceased, to sell and convey certain real estate therein mentioned; passed 19th March, 1816; recorded in law book No. XVI. p. 10; private.

A. D.

1816. CHAP. 4263. A supplement to the act, entitled "An act for the regulation of the militia of this commonwealth;" passed 19th March, 1816; recorded in law book No. XVI p. 11; repealed.
4265. An act authorising John Dickson to convey certain lands and for other purposes; passed 19th March, 1816; recorded in law book No. XVI. p. 26.
4266. An act to authorise the settlement of certain accounts of William Hamilton, John L. Pearson and John Philips; passed 19th March, 1816; recorded in law book No. XVI. p. 27; obsolete.
4272. An act to confirm the title of the trustees of the First Baptist Church of Washington, to a lot of ground in the borough of Washington; passed 19th March, 1816; recorded in law book No. XVI. p. 32; private.
4274. An act to vest in the trustees of the German religious society of Roman Catholics of the Holy Trinity Church, in the city of Philadelphia, the rights of this commonwealth, to the estate of Francis Doering, late of the city of Philadelphia, deceased; passed 20th December, 1816; recorded in law book No. XVI. p. 38; obsolete.
4275. An act authorising Esther Ottinger, Jacob Holgate and Aaron Keyser, executors of John Ottinger, deceased, to sell and convey part of a tract of land therein mentioned; passed 24th December, 1816; recorded in law book No. XVI. p. 39; private.
4276. An act to authorize William Speer and John Lobingier, guardians of the persons and estates of the minor heirs of Richard Hope, deceased, to convey certain lands therein mentioned; passed 24th December, 1816; recorded in law book No. XVI. p. 40; private.
4277. An act authorising Jacob Funk and Jacob Trichler, administrators of John W. Burson, to grant and convey certain real estate; passed 24th December, 1816; recorded in law book No. XVI. p. 41; private.
1817. 4278. An act releasing to Mary Magdalena Woebler, the right of this commonwealth to a certain escheated estate; passed 9th January, 1817; recorded in law book No. XVI. p. 42; private.
4280. An act to authorise John Heiney, John Silfius, John Fulton, and William Klippinger or their successors, to sell a part of a tract of land therein mentioned; passed 9th January 1817; recorded in law book No. XVI. p. 44; private.
4282. An act releasing to Eleanor Archbold the right of this commonwealth to a certain escheated estate; passed 9th January, 1817; recorded in law book No. XVI. p. 48; private.
4284. An act to authorise and empower Dorothy Willing Francis and Thomas Mayne Willing, administrators of Thomas Willing Francis, deceased, to sell and convey certain real estate therein mentioned; passed 9th January, 1817; recorded in law book No. XVI. p. 50; private.
4289. An act authorising Mary Painter, late Mary M'Creary, one of the guardians of the persons and estates of minor children of Thomas M'Creary, deceased, to execute and receive certain releases for a tract of donation land in Mercer county; passed 22d January, 1817; recorded in law book No. XVI p. 54; private.
4290. An act to enable John Boal and Thomas Wilson, administrators of Hugh M'Laughlin, late of the county of Union, deceased, to convey a certain piece of ground situate in the said county of Union; passed 22d January, 1817; recorded in law book No. XVI. p. 54; private.
4291. An act to vest in Margaret Williams and her heirs, the right of this commonwealth to the estate of William Williams, late of Radnor township, county of Delaware, deceased; passed 22d January, 1817; recorded in law book No. XVI. p. 55; private.
4292. An act releasing to and confirming in Susanna, the wife of John Crawford, the right of this commonwealth to a certain escheated estate; passed 22d January, 1817; recorded in law book No. XVI. p. 56; private.

A. B.

1817. CHAP. 4293. An act to vest in Margaret Hoffman the right of this commonwealth to the estate of John Todd, late of East Whiteland township, Chester county, deceased; passed 22d January, 1817; recorded in law book No. XVI p. 56; private.
4294. An act to authorise the administrators of Thomas Newbold, late of the city of Philadelphia merchant, deceased, to sell and convey all the real estate of the intestate in the county of Philadelphia; passed 22d January, 1817; recorded in law book No. XVI. p. 57; private.
4295. An act authorising the administrators of Joseph Burley, deceased, to convey a tract of land in Tyrone township, Huntingdon county, to Thomas Stevens; passed 3d February 1817; recorded in law book No. XVI. p. 57; private.
4296. An act for the relief of Thomas Clugage, a captain in the revolutionary war; passed 3d February, 1817; recorded in law book No. XVI. p. 58.
4297. An for the relief of Joseph Johnston, of Beaver county; passed 3d February, 1817; recorded in law book No. XVI. p. 58; private.
4306. An act for the relief of Peter V. Hamot; passed 5th February, 1817; recorded in law book No. XVI. p. 71; private.
4309. An act to authorise the printing the pamphlet laws of this commonwealth; passed 10th February, 1817; recorded in law book No. XVI. p. 80; obsolete.
4312. An act to authorise the purchase of certain copies of Smith's edition of the laws of Pennsylvania; passed 10th February, 1817; recorded in law book No. XVI. p. 81; obsolete.
4315. An act authorising the minor children of David Krouse deceased, to convey a tract of land to John Garey; passed 10th February, 1817; recorded in law book No. XVI. p. 82; private.
4317. An act for the relief of the legal representatives of captain Isaac Seeley, deceased; passed 10th March, 1817; recorded in law book No. XVI. p. 84; private.
4318. A supplement to an act granting a bounty to certain volunteers and militia of this state: passed 17th March, 1817; recorded in law book No. XVI p. 84; obsolete.
4320. An act to authorise and empower the executors of John Gemmil, junior, deceased and the administrators of Zachariah Gemmil, deceased, to execute a deed for a certain tract of land in Mifflin county; passed 17th March, 1817; recorded in law book No. XVI. p. 87; private.
4322. An act to enable John Linebach and Catharine his wife, late Catharine Epler, and Henry Shell, surviving administrators of John Epler, deceased, to convey certain real estate therein mentioned; passed 17th February, 1817; recorded in law book No. XVI. p. 87; private.
4330. An act to confirm title to land in Abraham Brinker; passed 26th February, 1817; recorded in law book No. XVI. p. 105; private.
4335. A supplement to the act entitled "An act to incorporate the town of Waynesburg, in the county of Greene"; passed 3d March, 1817; recorded in law book No. XVI p. 109; obsolete.
4336. An act to enable Michael Bollinger administrator of Wyland Smith, late of Centre county, deceased, to convey certain real estate; passed 3d March, 1817; recorded in law book No. XVI. p. 110; private.
4337. An act providing for the settlement of the accounts of John Philips, late a pay-master of the militia, and for other purposes; passed 3d March, 1817; recorded in law book No. XVI. p. 111; obsolete.
4338. An act to enable Mary Zimmerman, administratrix of Peter Zimmerman, junior, late of the county of Union county, deceased, to convey a certain lot of ground situate in Hartleton, in the said county of Union, to Elizabeth Smith; passed 3d March, 1817; recorded in law book No. XVI. p. 112; obsolete.
4348. An act for the relief of John L. Pearson and Thomas Harshe; passed 10th March, 1817; recorded in law book No. XVI. p. 121; obsolete.

A. D.

1817. CHAP. 4352. An act to authorise the governor to employ council in certain acts of ejectments instituted by the representatives of George Crogan, deceased, in the Circuit Court of the United States for the district of Pennsylvania; passed 10th March, 1817; recorded in law book No. XVI. p. 123; obsolete.
4354. A supplement to the act entitled "An act to authorise the purchase and distribution of certain copies of the new edition of the laws of the United States": passed 10th March, 1817; recorded in law book No. XVI. p. 124; obsolete.
4364. An act to confer on Jane Van Schuyver the rights and benefits of a child born in lawful wedlock; passed 13th March 1817; recorded in law book No. XVI. p. 132; private.
4368. An act to amend and continue "An act for establishing a Health Office and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases," and the supplements thereto; passed 13th March, 1817; recorded in law book No. XVI. p. 136; repealed (ch. 4483.)
4375. An act to authorise the surviving administrator of the estate of Charles Clark, and also the executors of Walter Clarke and of Thomas Davenport, to execute deeds for certain lots therein mentioned; passed 22d March, 1817; recorded in law book No. XVI. p. 151; private.
4376. An act to aid the West Chester Academy; passed 22d March, 1817; recorded in law book No. XVI. p. 152; obsolete.
4381. An act enabling the executors of the last will and testament of Michael Murphy, deceased to release and convey to John Laney a certain tract of land therein mentioned; passed 22d March, 1817; recorded in law book No. XVI. p. 161; private.
4387. An act to authorise the commissioners of Franklin county to sell and convey a lot of ground whereon the jail of said county stands, and to purchase another lot or lots of ground to erect a new one thereon; passed 22d March, 1817; recorded in law book No. XVI. p. 174; obsolete.
4389. An act authorising the trustees of the Evangelical German Lutheran congregation of Zion's church in Penns township, Union county, to sell and convey a certain piece of land; passed 22d March, 1817; recorded in law book No. XVI. p. 177; private.
4390. An act granting compensation to Frederick Færing for services performed as deputy quarter master general of this commonwealth; passed 22d March, 1817; recorded in law book No. XVI. p. 178; obsolete.
4391. An act releasing to Elizabeth, the wife of Peter Crum, the right of this commonwealth to a certain eschated estate; passed 24th March, 1817; recorded in law book No. XVI. p. 178; private.
4400. An act authorising William Gilliland, William Kerr and Moses McIlvain to sell and convey certain land therein mentioned; passed 24th March, 1817; recorded in law book No. XVI. p. 178; private.
4401. An act to authorise the executors of Jacob Arndt, deceased, in conjunction with Jacob Herster, of the borough of Easton, to convey certain real estate to Philip H. Mattes; passed 24th March, 1817; recorded in law book No. XVI. p. 198; private.
4404. An act authorising the trustees of the Low Dutch congregation in Adams county, to sell and convey a certain piece of land; passed 24th March, 1817; recorded in law book No. XVI. p. 202.
4408. An act to enable the administrators of Joseph Sturgeon to convey a certain tract of land; passed 24th March, 1817; recorded in law book No. XVI. p. 208; private.
4416. An act to authorise the sale of certain real estate of the late William Young and Rebecca his wife, of Oxford township, in the county of Philadelphia, deceased; passed 24th March, 1817; recorded in law book No. XVI. p. 229; private.

A. D.

1817. CHAP. 4422. An act to authorise the directors of the poor of Bucks county, to convey a certain estate therein mentioned; passed 24th March, 1817; recorded in law book No. XVI p. 254; private.
4423. An act to vest in Hannah Carrol and her legal representatives, the rights of this commonwealth to the estate of Patrick Carrol, late of Londonderry township, in the county of Chester, deceased; passed 24th March, 1817; recorded in law book No. XVI p. 255; private.
4425. An act confirming the title of John O'Neil and William Alexander, aliens to certain property therein mentioned; passed 24th March, 1817; recorded in law book No. XVI p. 257; private.
4432. An act to provide for the payment of a balance for enclosing the public ground at Harrisburg; passed 24th March, 1817; recorded in law book No. XVI p. 289; obsolete.
4434. An act providing for the payment of the expenses of erecting a bridge over Back Lick creek, at the town of Buella, in Cambria county; passed 24th March, 1817; recorded in law book No. XVI p. 294; obsolete.
4435. An act to extend the powers of the Gettysburg and Black's tavern turnpike company; passed 24th March, 1817; recorded in law book No. XVI p. 294; repealed (ch. 4640.)
4439. An act for the relief of John Fisher, of the borough of Lancaster; passed 24th March, 1817; recorded in law book No. XVI p. 325; obsolete.
4441. An act to authorise the sale of real estate, late the property of Peter Albert deceased; passed 24th March, 1817; recorded in law book No. XVI p. 337.
4442. An act for the relief of Thomas Bingham; passed 25th March, 1817; recorded in law book No. XVI p. 339; private.
4443. An act for the relief of the heirs of captain Isaac Seely; passed 25th March, 1817; recorded in law book No. XVI p. 339.
4445. An act appropriating money to improve the road across Shade and Black Log mountains, Mifflin county; passed 25th March, 1817; recorded in law book No. XVI p. 341; obsolete.

ACTS

OF THE

General Assembly of Pennsylvania,

Passed at a session which commenced on the 1st day of December, 1812, and ended the 29th March, 1813.

SIMON SNYDER, GOVERNOR.

PRESLY CARR LANE, SPEAKER OF THE SENATE.

JOHN TOD, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1812.



CHAPTER 3600.

An act for altering part of the state road, in Bedford county.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* a road beginning at the first run, crossing the state road in Bedford county, on the west side of Benjamin Burds; thence running westwardly by the house now occupied by George Dansdill; thence by the house of John Burds; thence to the house now occupied by Michael Wallet, where it intersects the road hereinafter vacated, the distance whereof is one mile and a half, be, and the same is hereby established a public road and highway, of the width of sixty feet; and that so much of the state road, commencing at the run aforesaid, and running north of the route and road hereby laid out and established, to the house now occupied by Michael Wallet aforesaid, be and the same is hereby vacated.

Course of the road.

Part vacated.

SECT. 2. *And be it further enacted by the authority aforesaid, That it shall be the duty of the court of general quarter sessions of the peace, of Bedford county, on application to them made, to order and direct a survey and draught of the road hereby laid out and established, to be made at the expense of said county, the draft whereof shall be deposited, and remain a record in the office of the clerk of the court of general quarter sessions of the peace aforesaid; and the supervisors of the township or townships, through which the said road shall or may pass, are hereby directed and enjoined to*

Quarter sessions to direct a survey, &c.

Supervisors to open and keep it in repair.

1812. open and keep it in repair, under the same penalties, rules, restrictions and remedies provided for opening and keeping in repair roads laid out under the authority of the courts of general quarter sessions of the peace, in this commonwealth.

Passed 21st December, 1812.—Recorded in Law Book No. XIII. p. 258.

CHAPTER 3601.

[Vol. 5, p. 291; see also p. 361.] A supplement to the act, entitled, "An act to incorporate Loller Academy, in the village of Hatborough, in the county of Montgomery."

SECT. 1. [THE annual election for trustees to be held on the first Monday in December, and the period for which the present trustees are elected to expire on the last Saturday in December, 1812; an election to be held on that day for trustees to continue in office until the first Monday in December thereafter. 2. So much of the original act as is hereby altered repealed.]

Passed 21st December, 1812.—Recorded in Law Book No. XIII. p. 259.

CHAPTER 3602.

An act to authorize the select and common councils of the city of Philadelphia, to erect a Market-house in the said city, for the sale of fish, exclusively.

The councils to erect a market house for the sale of fish exclusively.

Proviso.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the select and common councils of the city of Philadelphia, to cause a suitable market-house to be erected for the sale of fish within the said city, in High-street, east of Front-street; and to make such regulations (not inconsistent with the laws of this commonwealth) for the good government of the said market, as to them shall appear useful and expedient; and to demand reasonable fees, tolls or rents, from all the tenants and occupants of the stands or stalls, within the said market, for the use thereof, any law to the contrary in any wise notwithstanding: *Provided*, that the preference to said stalls shall at all times be given to persons following the occupation of fishermen. (a)

Passed 21st December, 1812.—Recorded in Law Book No. XIII. p. 260.

(a) The councils are authorized to the use of people from the country. [Vol. erect market-houses any where within 4, p. 165.] the city, provided one half be free for

CHAPTER 3603.

[Vol. 5, p. 319.]

An act to repeal an act, entitled, "An act for the relief of insolvent debtors, residing in the city and county of Philadelphia, and their creditors," passed the thirteenth day of March, one thousand eight hundred and twelve.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That

the act entitled, "An act for the relief of insolvent debtors residing in the city and county of Philadelphia, and their creditors," passed the thirteenth day of March, one thousand eight hundred and twelve, be and the same is hereby repealed. (*b*)

1812.

Passed 21st December, 1812.—Recorded in Law Book No. XIII. p. 260.

(*b*) The original act was revived as to all such persons as had delivered their estates to curators, and obtained a provisional discharge prior to passing the repealing act. (See ch. 3657, with notes and references to the decisions of the Supreme Court of Pennsylvania and of the United States.) For the existing law for the relief of insolvent debtors, see chap. 3926, and the notes and references thereto.

CHAPTER 3604.

An act supplementary to an act, entitled, "An act to extend the powers of the Gettysburg and Petersburg turnpike company, and to enable the governor to incorporate a company to make an artificial road from a point near Gallagher's saw-mill, to the borough of Chambersburg." [Vol. 5, p. 59. Act Incor. vol. 4, p. 405.]

SECT. 1. [SO soon as the company shall have perfected the road from Gettysburg to the German church, they shall give notice to the governor, who to appoint persons to view, and report whether the same is so far executed, in a workmanlike manner, if in the affirmative, he shall then license the company to erect gates and receive tolls in proportion to the distance.]

Passed 22d December, 1812.—Recorded in Law Book No. XIII. p. 261.

CHAPTER 3605.

An act to revive and continue certain acts therein mentioned relative to the patenting of land.

SECT. 1. [Continues the act of 21st February, 1810, (vol. 5, p. 94,) until 1st of January, 1815. *Provided*, that nothing contained in this act shall be construed to entitle any person to the benefit of it for a greater quantity than five hundred acres in his own right.]

SECT. 2. Continues the act of 1st March, 1811, (vol. 5, p. 198,) until the 1st of March, 1816.

SECT. 3. Continues and revives the act of 2d April, 1804, (vol. 4, p. 185,) which had expired, until 1st of April, 1815. See ch. 4856.

SECT. 4. Continues the 3d and 4th sections of the act of 23d January, 1811, (vol. 5, p. 189,) until 1st January, 1813. [This section since repealed, ch. 3651.]

Passed 22d December, 1812.—Expired.—Recorded in Law Book No. XIII. p. 262.

NOTE.—On the 28th December, 1814, (ch. 3997,) this act, (except the 4th sect.) and all those recited therein, re-enacted and continued until 1st January, 1816. On the 19th of March, 1816, (ch. 4251,) the act of the 1st March, 1811, recited in section second, was re-enacted and continued until the 1st November, 1817. On the 24th of March, 1818, (ch. 4620,) the same act was further extended until the 1st of April, 1819. On the 29th of January, 1820, (ch. 4795,) the same act was again further extended until 1st of April, 1822. See also ch. 4856, and notes thereto.

1812.

CHAPTER 3609.

An act to incorporate the subscribers to the New Hope Delaware Bridge Company.

SECT. 1. [CAPITAL to be fifty thousand dollars, divided into one thousand shares of fifty dollars each. 2. Incorporated by the name of "The President and Managers of the New Hope Delaware Bridge Company." To erect a bridge at Lambert's ferry. To have the same privileges, and be subject to the same restrictions, as are prescribed by the act of New Jersey annexed. 3. Before building the bridge may contract with the owners of any ferry for the payment of the damages that may arise to them; and also with the owners of land, for as much as may be necessary for the erection of the bridge, if they can agree with such owners, but if they cannot, to apply to the Court of Common Pleas of Bucks county, who to appoint three persons to view the ferry, &c. and estimate the damage. Appraisers to make report in writing to the Court. Report to be filed. Amount of the appraisement to be paid by the company. Appraisers to be allowed two dollars per day. Upon payment the title to be vested in the company.]

Passed 22d December, 1812.—Recorded in Law Book No. XIII. p. 266.

STATE OF NEW JERSEY.

An act to incorporate the subscribers to the New Hope Delaware Bridge Company.

SECT. 1. [CAPITAL to be 50,000 dollars, divided into 1,000 shares of 50 dollars each. 2. Incorporated by the name of "The President and Managers of the New Hope Delaware Bridge Company." 3. Officers to be a president, six managers, and a treasurer, to be elected annually by ballot; with power to make by-laws, &c.; no person to have more than twenty votes; each person to be entitled to a vote for every share under that number. 4. Notice to be given of the time of organizing the company. Time of choosing officers. 5. President and managers to issue a certificate for each share of stock. How certificates are to be transferred; assignees to be members. 6. Five managers to form a quorum for the transaction of business; their powers and duties. 7. The managers or their agents may enter on any lands convenient to the scite of the bridge, for the purpose of opening quarries or obtaining materials, after giving notice to the owners, and offering compensation for damage. How this damage to be ascertained. 8. The president and managers to keep true accounts of their receipts and expenditures, and submit them annually to the stockholders. If the capital prove insufficient may increase it.]

SECT. 9. [Rates of toll.] viz. for every coach, landau, chariot, phaeton, or other pleasurable carriage, with four wheels, drawn by four horses, the sum of seventy-five cents; and for the same carriage, with two horses, the sum of fifty cents; for every wagon with four horses, the sum of sixty-three cents; and for every carriage of the same description, drawn by two horses, the sum of fifty cents; for every chaise, riding chair, sulkey, cart, or other two-wheel carriage, or a sleigh or sled, with two horses,

the sum of thirty-eight cents; and for the same with one horse, the sum of twenty-five cents; for a single horse and rider, the sum of twelve and a half cents; for every led horse or mule, the sum of six cents; for every head of horned cattle, the sum of three cents; for every head of sheep or swine, the sum of one cent; and for every foot passenger, the sum of three cents: *Provided always*, That the said bridge shall in no wise injure, stop, or interrupt the navigation of the said river, or prevent boats from crossing, or persons from fording the same river: *Provided also*, That no person shall receive any compensation for ferrying at any ferry, which shall have been paid for by the said company, after the said bridge shall have been completed.

SECT. 10. *And be it enacted*, That if any person or persons, shall cut or destroy any piece or pieces of timber, or any plank or planks, belonging to the said bridge or breakers, or shall remove any piece or pieces of timber from off the said bridge, or any stone or stones, or other materials belonging to the said bridge or breakers, or otherwise voluntarily damage the same, he, she, or they, so offending, shall forfeit and pay for every such offence, over and above the damages done to the said bridge or breakers, the sum of thirty dollars, to be recovered in the same manner, as debts not exceeding one hundred dollars, and received with costs of suit, to be paid to the treasurer aforesaid, and applied to the use of said company.

SECT. 11. [Company authorized to purchase land and agree for the payment of damage arising to the owners of the ferry. How the value is to be ascertained if the parties cannot agree.]

SECT. 12. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand greater tolls or rates, for the passing over the said bridge, than what is herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she, or they, so offending, shall for every such offence, forfeit and pay the sum of twenty-five dollars, one moiety for the use of the person who may sue for the same, and the other moiety for the use of the poor of the township of Amwell: *Provided always*, That no suit or action shall be brought, unless within thirty days after such offence shall have been committed.

SECT. 13. [President and managers to keep just accounts of receipts and expenditures. Dividend to be made of the clear profits. A contingent fund to be retained. To publish the dividend to be made on the third Monday of March and September. 14. Abstract of accounts to be laid before the legislature within three years after the completion of the bridge. If at the end of two years the annual income is less than six per cent. on the capital expended, the tolls may be raised so as to allow a dividend of that amount. To render a like abstract for three preceding years, and if at the end of any such decimal period it shall then appear that the average profits of the last three years will exceed a dividend of fifteen per cent., the tolls shall be diminished to reduce the dividend to fifteen per cent. 15. This act not to be in force until confirmed by the legislature of Pennsylvania. Work to be commenced within three, and completed within ten years, thereafter.]

1813.

CHAPTER 3610.

[Sup. ch.
4155.4414.]

An act to enable the governor to incorporate a company for making an artificial road from the Spring House Tavern, in Montgomery county, and thence to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton.

SECT. 1. [COMMISSIONERS to procure books and receive subscriptions. Notice to be given of the time and place of opening books. Books to be kept open six hours every day for six days. To be closed when three thousand shares are subscribed. Five dollars a share to be paid on subscribing. 2. When fifty or more persons have subscribed three hundred shares, notice to be given to the governor, who shall incorporate the subscribers by the name of "The Spring House Northampton town and Bethlehem Turnpike Company," with the usual privileges. 3. Notice to be given of the time and place of organizing the company. A president, twelve managers and treasurer, to be chosen by ballot for one year. Company may make bye-laws, &c. not inconsistent with the laws and constitution of the United States or this state. No person to have more than five votes. 4. Officers to be elected annually on the first Monday in January. 5. Certificates of stock to be issued, and to be transferable. 6. President and managers to meet as directed by the bye-laws. Seven members of the board a quorum. Shall keep minutes. May appoint workmen, agents, &c. and fix their wages. Orders on the treasurer to be signed by the president, or in his absence by the chairman. 7. Notice to be given of the payment of instalments. Penalty upon the stockholders neglecting to pay. 8. President and managers may enter on lands, &c. adjacent to the route of the road, for the purpose of surveying and marking its courses, or searching for gravel, sand, or other materials. 9. President and managers, or their agents, may enter on lands, &c., having first given notice to the owners, and offered satisfaction for damage; and may dig and carry away sand, gravel, and other materials necessary for constructing the road. If the parties cannot agree upon the amount of damage, three freeholders to be mutually chosen to appraise it. If the owners refuse to join in the choice, they may be selected by a disinterested justice of the peace. Either party may appeal to the court within six days after the award. 10. Persons aggrieved by the road may apply to the court of the proper county, who shall appoint six freeholders to view and consider the advantages and disadvantages arising from the road, and to assess the damages to be allowed. 11. Road not to be less than fifty nor more than sixty feet wide; at least twenty-one feet in width to be artificial road, well made of stone, gravel, &c. Not to vary more than four and a half degrees from a horizontal line in any one place. Company bound to keep it in good repair. Route to be from the Spring House Tavern in Montgomery, by way of Montgomery Square, Trevig's tavern, Sellers's tavern, Swamp meeting-house, Fry's tavern, and from thence to the borough of Northampton in Lehigh county, with a convenient section to the town of Bethlehem in Northampton county. Company authorized to erect bridges, &c. 12. When five miles are completed, and for every succeeding five miles, notice to be given to the governor, who

shall appoint viewers, and upon their reporting favourably shall grant his licence to erect gates and demand tolls: *Provided*, That no toll be demanded or taken from any person or persons passing or re-passing from one part of his farm to another: *Provided*, It does not exceed two miles, and all persons attending funerals, places of worship, and all militia men on days of training, and all electors going to or returning from any election, their horses and carriages, shall be exempt from the payment of tolls in going to, and returning therefrom.

SECT. 13. [Company authorized to stop any person riding, &c. until following toll paid,] viz. for every five miles in length, completed and licensed as aforesaid, the following sums of money, and in proportion for any less distance, and for any greater or less number of sheep, hogs or cattle, ; *to wit*, for every score of hogs, six cents ; for every score of sheep, six cents ; for every score of cattle, twelve cents ; for every horse and his rider, or led horse, three cents ; for every sulkey, chair or chaise, with one horse and two wheels, six cents ; and with two horses, nine cents ; for every chariot, phaeton, coach or chaise, with two horses and four wheels, twelve cents ; for every other carriage of pleasure, under whatsoever name it may be known, the like sums according to the number of wheels and horses drawing the same ; for every stage wagon with two horses drawing the same, twelve cents ; and for every such wagon with four horses, twenty cents ; for every sleigh, three cents for each horse drawing the same ; and for every sled, two cents for each horse drawing the same ; and for every cart or wagon, the breadth of the wheels of which shall exceed four inches and not exceed seven inches, three cents for each horse drawing the same ; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches and not exceed ten inches, or being of the breadth of seven inches and not roll more than ten inches, two cents for every horse drawing the same ; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches and not exceed twelve inches, or being ten inches shall roll more than fifteen inches, one cent for each horse drawing the same ; and if any person or persons shall represent to the said company, or any of their officers, that he, she, or they, shall have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of its toll, or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of the said company, the sum of sixteen dollars ; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the poor in the township in which the forfeiture is incurred ; but if there be no poor, then to the supervisors for the repair of the roads in said township, and for the payment of which the said company shall be responsible.

Penalty
against persons committing fraud.

Penalty
against toll-gatherers, &c.

SECT. 14. [Two oxen to be estimated as equal to a horse, and every mule to be charged for as a horse.]

1813.

Neglect of
the company.How pro-
ceeded in.No toll to be
received
while the
road is defec-
tive.When court
to proceed
against per-
sons having
charge of the
road as in
case of su-
pervisors.

Proviso.

Penalty on
persons pass-
ing through
private gates
or bars with
intent to de-
fraud.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good and perfect order for the space of five days, and information shall be given thereof to any justice of the peace of the neighbourhood within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in the precept to be mentioned, at the place in such road as shall have been complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county; and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid, and if upon such inquiry the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall cause an inquisition thereof to be made, under his own hand and at least two of the said persons, one copy whereof he shall certify and send to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be put in good and perfect order and repair before the next court of quarter sessions of the peace to be held for the county in which the defect is proved to be, the said justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, who shall thereupon cause process to issue to bring in the body or bodies of the person or persons entrusted by the said company with the care and superintendence of such part of said road, as shall be so found defective, and shall proceed thereon as in the case of supervisors of the highways for neglect of their duty; and if he or they shall be convicted of the offence charged by the said inquisition, the said court shall give such judgment according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars; and the fines so imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the highways and public roads therein.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure; riding or leading any horse, mare or gelding, or driving any sheep, hogs, or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage, way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the said company and avoid the payment of the toll or duty for passing through any such gate or

1813.

turnpike; or if any person or persons shall with such intent, take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every such person or persons, in all and every, or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president, managers and company, of the said turnpike road, any sum not exceeding ten dollars, to be sued for, and recovered with costs of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount may be sued for and recovered: *Provided always*, That if any person or persons shall be thus prosecuted, and the said prosecution shall not be sustained on the part of the prosecutors, then and in such case the person or persons prosecuted as aforesaid, shall receive from the said company the sum of twenty dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines are under this act.

On persons who shall take off any horse, &c. from a carriage, or practice other fraud to evade toll.

Proviso.

SECT. 17. [President and managers to keep fair accounts of receipts and expenditures, and submit them annually to the stockholders. Capital may be increased if necessary. 18. Just accounts to be kept of tolls received, and expenses incurred; and dividends made of the clear profits on the second Mondays of May and November in each year. 19. A complete abstract of the company's accounts to be laid before the legislature at the end of every year after the completion of the road. If it shall appear that the profits will not allow a dividend of six per cent., the tolls may be increased in that proportion. If the dividend exceeds nine per cent. tolls to be reduced.]

SECT. 20. *And be it further enacted by the authority aforesaid*, That the said president and managers, shall cause posts to be erected and continued at the intersection of every public road falling into, or leading out of, the said turnpike road, with a board or index-hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters, the name of the town, village, or place to which such road leads, and the distances thereof in measured or computed miles.

Posts and index-hands to be erected at cross roads, &c.

SECT. 21. *And be it further enacted by the authority aforesaid*, That the said company shall cause mile-stones to be placed on the side of the said road, and also cause to be affixed at each gate, a printed list of the rates of toll, which from time to time may lawfully be demanded, for the information of travellers and others, using the said road; and if any person or persons shall wilfully destroy the said posts, boards, index-hands, or mile-stones, as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the said road or within the limits thereof, and shall suffer to remain for the space of one day after notice thereof shall have been given to him, her, or them, any mould, dirt, shavings, weeds, or rubbish of any kind, such person or persons being convicted thereof, by the evidence of one or more creditable disinterested witness or witnesses, before any justice of the peace of

Mile-stones to be erected; and printed lists of the toll to be affixed at each gate.

1813.
 ~~~~~  
 Penalty for  
 defacing  
 mile-stones,  
 &c.

Wagoners,  
 &c. to keep  
 to the right.

Penalty in  
 case of neg-  
 lect.

that county in which the offence shall have been committed, he, she, or they, shall be adjudged by the said justice to pay a fine not exceeding five dollars, to be recovered with costs, as debts of equal amount are or may be by law recoverable; which fine when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the said company.

SECT. 22. *And be it further enacted by the authority aforesaid,* That all wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be so obstructed in his passage, and will sue for the same, to be recovered with costs, before any justice, in the same manner as debts of equal amount are by law recoverable.

SECT. 23. [The franchises and privileges hereby granted, to revert to the commonwealth if the road is not commenced in five and completed in ten years. 24. After the year 1837, the legislature may take possession of the road if they think proper, upon making compensation to the company. (c)]

Passed 16th January, 1813 —Recorded in Law Book No. XIII. p. 269.

(c) The company authorized to increase the toll so as to enable them to divide six per cent. on the capital stock expended, in making the whole of the road on which they are or may be authorized to demand tolls, notwithstanding a year may not have elapsed from the time of completing such section, as prescribed by the 19th section of the act of incorporation.

The governor is authorized to subscribe 200 shares as soon as any part, not less than five miles, is completed, and to draw his warrant for such pro-

portion of the whole sum subscribed as the part completed bears to the whole distance, and so on until the road is finished —This supplement contains also a provision for the appointment of commissioners to view the road. Same supplement gives and regulates the right to enter on lands, &c. (ch. 4155.)

The governor authorized to draw his warrant for the whole amount, as soon as ten miles of the road was completed from the Spring-house tavern. (ch. 4414.)

The governor authorized to subscribe for 300 additional shares. (ch. 4985.)


## CHAPTER 3613.

An act declaring a part of Marsh creek, in the county of Centre, a public highway.

Declared a  
 public high-  
 way.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Marsh creek in the county of Centre, from its confluence with the Bald Eagle creek to Jacob Boone's saw mill, being about the distance of five miles, shall be, and the same is hereby declared a public highway for the passage of rafts, boats, arks, and other water carriage, under the limitations and restrictions herein after mentioned; and it shall and may be lawful for the inhabitants desirous of using or promoting the navigation of said creek, to remove all natural and artificial obstructions which may be in the same, excepting dams for mills and other wa-



ter works ; and also to erect such slopes at the mill-dams now built 1813.  
 on said creek, as may be necessary for the passage of rafts, boats,   
 arks, and other water carriage : *Provided*, Such slopes be so construc- Proviso.  
 ted as not to injure the works of said dams : *And provided also*, That 2d proviso.  
 any person or persons owning or possessing lands on said creek,  
 shall have liberty to construct any dam or dams across the same  
 agreeably and subject to all the restrictions and provisions of an act  
 of the general assembly of this commonwealth, passed the twenty  
 third day of March, one thousand eight hundred and three, entitled, Vol. 4, p. 20.  
 "An act to authorize any person or persons owning lands adjoining  
 navigable streams of water, declared public highways, to erect  
 dams upon such streams, for mills and other water works."

Passed 16th January, 1813.—Recorded in Law Book No. XIII. p. 288.

## CHAPTER 3614.

An act authorizing the governor to incorporate a company for making an artificial [Sup. ch.  
 road from the narrows at Big Eddey by Bethany, to the intersection of the Mil- 4575.]  
 ford and Owago turnpike with the Clifford and Wilkesbarre turnpike, in Luzerne  
 county.

SECT. 1. [COMMISSIONERS appointed for receiving sub-  
 scriptions. Their duty in receiving subscriptions. Payment of five  
 dollars to be made at the time of subscribing. 2. Proceedings to  
 obtain a charter. Corporate style to be "The President, Managers  
 and Company of the Big Eddey and Clifford Turnpike road," and  
 to have the usual corporate powers. 3. Proceedings to organize the  
 company and to choose corporate officers. Officers to be a presi-  
 dent, twelve managers, and a treasurer, power to enact bye-laws,  
 and make the necessary regulations. No person to have more than  
 ten votes, each share under ten entitled to one vote. Elections to be  
 on the second Monday in January, annually. 4. The presi-  
 dent and managers or their agents authorized to enter on any lands  
 through which the road passes, to examine and search for stone, gra-  
 vel, and other materials, and to survey and mark out the road. Ex-  
 tent of the road. They are to have the same powers and privileges,  
 be subject to the same duties, restrictions, penalties, fines and for-  
 feitures, and be entitled to the same tolls and profits as are given to  
 the president, managers and company of the Coshecton and Great  
 Bend turnpike road, (vol. 4, p. 176.) Limitation for beginning and  
 completing the road three years. (d)

Passed 21st January, 1813.—Recorded in Law Book No. XIII. p. 289.

(d) This act revived for ten years, from 23d March, 1818, (chap. 4575.)

## CHAPTER 3615.

An act authorizing the governor to incorporate a company, to make an artificial road  
 from the Centre turnpike road, near the Bear Gap, to the north-east branch of  
 Susquehanna, at the end of the Blue Hill, near Danville, in the county of Northum-  
 berland.

SECT. 1. [COMMISSIONERS appointed to procure books  
 and receive subscriptions. Price of shares twenty five dollars. No

1813.

tice of the time and place of opening books. Books to be closed when 270 shares are subscribed. Five dollars a share to be paid on subscribing. The residue to be paid to the treasurer. 2. When 265 shares are subscribed the commissioners may certify it to the governor who shall incorporate the subscribers by the name of "The President, Managers and Company of the Danville Turnpike road," with the usual corporate powers. 3. Notice to be given of the time and place of organizing the company. A president, twelve managers and treasurer to be chosen by ballot; power to make bye-laws, &c. not inconsistent with the laws of this commonwealth. No person to have more than ten votes. Managers to appoint the place of holding elections. 4. Time and place of company meetings prescribed. Power of such meetings. 5. Company to make their road in the same manner as the Centre Turnpike Company are by law directed to do—be subject to the same rules, forfeitures and penalties, and be entitled to the same tolls, (vol. 4, p. 227.)

Passed 21st January, 1813.—Recorded in Law Book No. XIII. p. 295.

## CHAPTER 3616.

[Vol. 4, p.  
300.]

An act extending an act, entitled, "An act securing to mechanics and others, payment for their labour and materials in erecting any house or other building, within the city and county of Philadelphia, to the borough of Beaver in the county of Beaver."

Act of 17th  
March, 1806,  
extended to  
the borough  
of Beaver.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That the act, entitled, "An act securing to mechanics and others, payment for their labour and materials in erecting any house or other building, within the city and county of Philadelphia," passed March seventeenth, one thousand eight hundred and six, with its supplement, passed the twenty-eighth of March, one thousand eight hundred and eight, shall be, and the same are hereby declared to be in full force and operation in the borough of Beaver, in the county of Beaver; and mechanics and others in the said borough, respectively, shall have like remedy under the said acts, as though they were herein enacted at full length.*

Passed 21st January, 1813.—Recorded in Law Book No. XIII. p. 299.

NOTE.—The original act, (vol. 4, p. 300,) was confined to the city and county of Philadelphia.

The Supplement (vol. 4, p. 528,) extended it to the boroughs of Lancaster, Pittsburg, and Erie, and provided a mode of recovery by original action or by *scire facias*. Chap. 4033, extends both to the boroughs of Marietta and Harrisburgh. Chap. 4380, extends the original act and the second section of the supplement to the boroughs of Reading and West Chester, the towns of Allegheny, Birmingham, Sidneyville, Belingstown, Byardstown, Laurenceville, Wilksburg and to all other towns and villages within ten

miles of Pittsburg, and to every part of the counties of Lancaster, Montgomery, York, Dauphin, Franklin, and Lebanon. Chap. 4599, extends the same to the counties of Cumberland, Northumberland, Columbia, and Beaver. This act also extends the provisions of the original act, and of the second section of the supplement to persons who furnish curb stones for the pavement of any house erected within the meaning of said act. Chap. 4967, extends the original act and supplement to the counties of Delaware, Bucks, Luzerne, and Mifflin.

For notes see chap. 4967.

## CHAPTER 3617.

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An act to continue an act, entitled, "An act to incorporate the Insurance Company of the State of Pennsylvania."

[THE original act (vol. 3, p. 140,) and its supplement (vol. 3, p. 200,) except the clause of limitation, in the former extended twenty years from the first of January 1815, reserving the power of annulling the charter if it should prove injurious.

Passed 21st January, 1813.—Recorded in Law Book No. XIII. p. 300.

## CHAPTER 3622.

A supplement to an act, entitled, "An act to authorize the governor to incorporate [Vol. 5, p. a company for erecting a permanent bridge over the river Schuylkill, at or near 54.] Pawling's ford, in the counties of Montgomery and Chester."

SECT. 1. [RATES of toll,] a list of which shall be placed in some conspicuous place near the said bridge, for the information of the passengers, to wit, for every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty cents; and so for a greater or lesser number; for every horse or mule, three cents; for every horse and rider, four cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twenty cents; for either of the aforesaid carriages with four horses, thirty cents; and for every other carriage of pleasure, under whatever name, the like sum according to the number of wheels and of the horses drawing the same; for every stage wagon with two horses, eighteen cents; for every such wagon drawn by four horses, twenty-eight cents; for every sleigh, six cents for each horse drawing the same; and for every sled, four cents for each horse drawing the same; for every wagon or cart, five cents for each horse drawing the same; and two oxen shall be estimated as equal to one horse; nor shall any carriage or wagon drawn by more than six horses or oxen, be entitled to pass over said bridge; *Provided always*, That no toll shall be taken from any person attending funerals, or walking in military procession, or from persons belonging to the militia in going to or returning from muster on days of training, nor from any person going to or returning from the general election, nor going to or returning from public worship, nor children going to or returning from school: *And provided also*, That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons desirous of using said bridge for an annual sum in lieu of the toll herein before mentioned.

Persons attending funerals, &c. exempted.

And children going to and from school.

Company may form annual contracts, &c.

SECT. 2. [So much of the original act as is altered, repealed.]

Passed 21st January, 1813.—Recorded in Law Book No. XIII. p. 305.

## CHAPTER 3623.

A supplement to the act, entitled, "An act to incorporate the subscribers to the Insurance Company of North America." [Vol. 3, p. 129.]

SECT. 1. [FUNDS may be invested in debt of the United States stock of any institution incorporated in Pennsylvania, their own stock,

1813. bills of exchange, loaned to the state, or on the security of real estate within the same. 2. Fifteen directors to be chosen by ballot, on the second Tuesday of January, annually; at their first meeting to choose a president; vacancies to be filled by the directors. 3. Five, with president, to be a quorum. 4. No stockholder entitled to make a transfer, or receive a dividend, until debt paid or secured. 5. Charter extended to first of January, 1835, and until settlement of past transactions. Charter, &c. may be annulled if it shall appear they are injurious to the citizens.]

Passed 28th January, 1813.—Recorded in Law Book No. XIII. p. 306.

## CHAPTER 3625.

An act establishing an academy in the town of Franklin, in Venango county, and granting a sum of money thereto.

SECT. 1. [ACADEMY established in the town of Franklin. To be called the Venango academy. Trustees named and incorporated by the style of "The Trustees of the Venango Academy," with the usual corporate powers. Yearly income from real and personal estate not to exceed four thousand dollars. 2. The number of trustees to be six. Not to be in office more than three years unless re-elected. Four trustees to be a quorum. How the trustees are to be chosen. Manner of filling vacancies. 3. Time of first meeting fixed. 4. Treasurer to be appointed annually by the trustees. His duty. Shall keep regular accounts, open to the inspection of the trustees. Treasurer to give security. 5. Grant of two thousand dollars for the use of the academy; one thousand to be expended in procuring suitable buildings, books, apparatus, &c., and the remainder to be invested in some profitable funds. Trustees to give security to the governor for the faithful application of the money to the purposes directed. 6. Poor children, not exceeding four, to be educated gratis. Appropriation not to be paid until subscription to the amount of five hundred dollars are obtained, and trustees have proceeded to erect buildings. (e) 7. Trustees to exhibit their accounts annually to the auditors of the county. Penalty for neglect, forty dollars each.]

Passed 28th January, 1813.—Recorded in Law Book No. XIII. p. 309.

(e) Repealed, (ch. 3966,) so far as dollars, and the proceedings to erect respects the subscription of five hundred buildings.

## CHAPTER 3626.

[Sup. ch.  
3848.]

An act to enable the governor to incorporate a company, to make an artificial road, from Anderson's ferry. Waterford and New-Haven turnpike road, along Elbow lane or Pleasant alley, past Henry Shares' mill; thence through Christian Leib's lane, to the north end thereof, thence in two branches, to intersect the Lancaster, Elizabethtown, and Middletown turnpike road, at the towns of Richland and Mountjoy.

SECT. 1. [COMMISSIONERS named to procure books and receive subscriptions. Form of subscription. Price of shares one

hundred dollars. Notice to be given of the time and place of opening books. Two commissioners to attend. Commissioners may adjourn, and transfer the books on giving notice. Books to be closed when 125 shares are subscribed. Ten dollars a share to be paid on subscribing. 2. When twenty or more persons have subscribed fifty shares, the commissioners may certify it to the governor, who shall incorporate the subscribers, by the name of "The President, Managers and Company of the Marietta, Richland, and Mountjoy Turnpike road." Usual corporate privileges granted. 3. Notice to be given of the time and place of organizing the company. A president, eight managers, and treasurer, to be chosen by ballot for one year. Company may make bye-laws, &c. and have the same privileges under the same restrictions as the Lancaster and Susquehannah Turnpike Company, (vol. 3. p. 191.) No toll to be demanded of any person passing from one part of his farm to another or to or from any place of public worship or funeral, or from the militia on days of muster. Road to be commenced in three and completed in seven years.

1813.



Passed 28th January, 1813.—Recorded in Law Book No. XIII. p. 312.

NOTE.—The company authorized on or before the 1st of April next to lay down the route of the road, and to make the same beginning at the river Susquehanna in the east end of Marietta, &c. in the same manner, to have the same privileges, be subject to the same duties and penalties and entitled to the same tolls as if made under the original act. Authorized to receive monies appropriated by the proprietors of certain lots for making the road. (ch. 3848.)

## CHAPTER 3631.

A further supplement to the act, entitled, "An act for erecting part of the counties of Berks and Northampton, into a separate county." [Orig. act. vol. 5, p. 291.

Passed 28th January, 1813.—Obsolete—Recorded in Law Book No. XIII. p. 322. Sup. 262, 284 ]

NOTE.—This act authorizes the sheriff of Schuylkill county to receive the prisoners then confined in Berks county on process from Schuylkill county, and repealed the 2d, 3d, and 4th sections of the act, vol 5, p. 284. 270, as is altered, repealed. (ch. 4089.)

Courts of Quarter Sessions on Chester, Montgomery and Schuylkill authorized to continue one week; and so much of the 16th section of the act, vol. 4, p. Ejectments for lands in Schuylkill instituted in Berks before division, in which final judgment not entered, to be removed to Schuylkill. Docket entries to be transcribed, &c. (ch. 5054 ) Schuylkill county divided into six districts for the appointment of justices of the peace. ch. 3863, see art. 5, sect. 10, Cons. Penn.

## CHAPTER 3635.

An act to validate and confirm the official acts of John Christy, late a justice of the peace in Mercer county, and of George Fowler and Alexander McDowell, justices of the peace of Venango county.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That all the official acts of John Christy, late a justice of the peace for Allegheny county, performed in and for Mercer county, be and the same are hereby confirmed and made as valid as if he had been commissioned a justice of the peace for Mercer county.*

Official acts of J. Christy, confirmed.

1813.

Also of G.  
Fowler and  
A. M'Dowell.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all the official acts of George Fowler and Alexander M'Dowell, justices of the peace, in and for Crawford county, performed in and for Venango county, be and they are hereby ratified and confirmed, and made as valid as if they had been commissioned justices of the peace for Venango county.

Passed 4th February, 1813.—Recorded in Law Book No. XIII. p. 326.

### CHAPTER 3636.

An act to alter part of the state road laid out from the town of Butler to the town of Mercer.

Part of the  
state road in  
Butler coun-  
ty altered.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That that part of the state road laid out from the town of Butler, to the town of Mercer, which lies between the fifteen mile tree in Butler county, and William M'Mellin's farm in Mercer county, be and the same is hereby vacated; and that part of the county road leading from the town of Butler to the town of Mercer, lying between the two points aforesaid, is hereby made a part of the state road laid out as aforesaid, and shall be kept in repair in the same manner, and like proceedings shall be had thereon in every respect as fully and effectually as if it had been viewed and laid out by order of the state; and the supervisors of the highways shall be bound to keep the same in repair, agreeably to the road laws of this commonwealth.

Passed 4th February, 1813.—Recorded in Law Book No. XIII. p. 327.

### CHAPTER 3639.

[Sup. ch.  
3772.]

An act to alter the time of holding several of the Courts of Quarter Sessions and Common Pleas, in the third judicial district or circuit.

Time of hold-  
ing courts in  
the 3rd Judi-  
cial district,  
altered.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first Monday in March next, the Courts of Quarter Sessions and Common Pleas, in the third judicial district or circuit, shall commence and be holden on the following days in each and every year, to wit: in the county of Schuylkill, on the last Mondays in March, July, October and December; in the county of Berks, on the Mondays succeeding the commencement of the courts in Schuylkill county; in the county of Northampton, on the second Mondays after the commencement of the courts in Berks county; and in the county of Lehigh, on the Mondays succeeding the commencement of the courts in Northampton county; any law or laws to the contrary notwithstanding. (f)

Passed 4th February, 1813.—Recorded in Law Book No. XIII. p. 328.

(f) By a supplement to this act, ch. 3772, the courts in Northampton county are ordered to be held on the second Mondays after the commencement of the courts in Berks, to continue two weeks; and in Lehigh on the Mondays succeeding the second week of the courts in Northampton

## CHAPTER 3648.

1813.

An act vacating certain streets in the district of Southwark, in the county of Philadelphia. [See vol. 5, p. 373.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Part of a so much of a street of the width of forty feet, extending from Car- street from penter-street to Mariott's lane, in the district of Southwark, and Carpenter- county of Philadelphia, as is not included within the limits of Fifth- street, vaca- street, containing on Carpenter-street forty feet, and extending on the west side of Fifth-street, two hundred and fifteen feet nine inches to a point at the south west corner of Fifth-street, Mariott's lane, and the forty feet street, aforesaid, be and the same is hereby vacated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of a street of the width of fifty feet, extending from Part of a Prune-street to Christian street, in the district of Southwark, in the street from county of Philadelphia, as is not included within the limits of Dela- Prune-street, ware Third-street continued, be and the same is hereby vacated.

Passed 16th February, 1813.—Recorded in Law Book No. XIII. p. 336.

## CHAPTER 3649.

An act to continue an act, entitled "An act to incorporate the Phœnix Insurance company of Philadelphia." [Sup. ch. 3828.]

SECT. 1. [THE original act, 6th February, 1804, (vol. 4, p. 111,) continued in force for 20 years, from 1st January, 1815. *Provided*, that if the privileges renewed and granted, are injurious, &c. the legislature may annul them.] (*h*)

Passed 16th February, 1813 —Recorded in Law Book No. XIII. p. 337.

(*h*) By supplement, (ch. 3828,) the invested in the stock of the company, capital to be 480,000 dollars, divided into loaned to the state, or employed as au- 6000 shares, of 80 dollars each, may be thorized by the act of incorporation.

## CHAPTER 3650.

An act erecting parts of Dauphin and Lancaster counties, into a separate county, [Sup. ch. 3839. see also ch. 4999.] to be called Lebanon.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Bounds. all those parts of Dauphin and Lancaster counties lying and being within the limits following, *to wit*, beginning at the south-east corner of Dauphin county, where it intersects the Berks county line, about four miles from Newmanstown; thence through Lancaster county, to a sand-stone house, formerly occupied by George Wyman, and including the same on the great road leading from Shæfferstown to Elizabeth Furnace; thence to a house formerly occupied by one Shroyer, deceased, and including the same on the great road leading

1813. from Lebanon to Manheim; thence to Snyder's mill on Conewago creek, excluding the same; thence northerly to the house of one Henry, at the cross roads leading from Harrisburg to Reading, including the same; thence to Racoon creek on the Blue or Kittatinny mountain; thence along the said mountain on the top thereof, to the Berks county line; thence along the said line to the place of beginning; shall be and the same are hereby, according to said lines, declared to be erected into a county, henceforth to be called Lebanon.

Name.

SECT. 2. *And be it further enacted by the authority aforesaid,*  
 Inhabitants to That the inhabitants of the said county of Lebanon be entitled to, enjoy similar and shall at all times hereafter have all and singular the courts, jurisdictions, offices, rights and privileges, to which the inhabitants of those in other other counties of this state are entitled, by the constitution and laws counties of this commonwealth.

SECT. 3. [Obsolete.]

SECT. 4. *And be it further enacted by the authority aforesaid,*  
 No prosecu- That no prosecution which has been heretofore commenced, or which tions com- shall be commenced in the courts of the counties of Dauphin or Lan- menced prior caster, on or before the said first Monday in December next, shall to first Mon- be delayed, discontinued or affected by this act, but the same shall day of De- be proceeded in and carried into complete execution, as if this act cember next, to be affected. had not been passed.

SECT. 5. *And be it further enacted by the authority aforesaid,*  
 Suits pending That all suits which shall be pending and undetermined in the Court in Dauphin of Common Pleas of Dauphin county, on the first day of November on the first of next, where the defendant or defendants in such suit or suits, shall November next, to be at that time be resident in Lebanon county, shall be transferred to transferred the Court of Common Pleas of Lebanon county, and shall be con- to Lebanon in sidered as pending in said court, and shall be proceeded on, in like certain cases, manner as if the same had been originally commenced in said court; &c except that the fees on the same, due to officers in Dauphin county, Fees due to shall be paid to them, when recovered by the prothonotary or sheriff officers of Dauphin to of Lebanon county; and the prothonotary of Dauphin county shall be paid to them. on or before the third Monday in November next, purchase a Docket to be docket, and copy therein all the docket entries respecting the said provided, &c. suits to be transferred as aforesaid; and shall on or before the first day of December next, have the said docket, together with the records, declarations, and other papers respecting said suits, ready to be delivered to the prothonotary of Lebanon county; the ex- and paid for pense of said docket and copying, to be paid by the prothonotary of by the coun- Lebanon county, and reimbursed by the said county of Lebanon, on ty of Leba- warrants to be drawn by the commissioners of Lebanon county, on non. the treasurer thereof.

SECT. 6. *And be it further enacted by the authority aforesaid,*  
 Taxes and That all taxes, and arrears of taxes, laid, or which have become due militia fines, within the county of Lebanon before the passing of this act, and all how to be re- sums of money due to this commonwealth for militia fines, in the covered, &c. said county of Lebanon, shall be collected and recovered as if this act had not been passed.

SECT. 7. *And be it further enacted by the authority aforesaid,*  
 Officers to That the sheriff, treasurer, prothonotary, and all such officers as have give sureties heretofore usually given surety for the faithful discharge of the du-



ties of their respective offices, who shall hereafter be appointed or elected in the said county of Lebanon, before they or any of them shall enter into the execution thereof, shall give sufficient security, in the same manner and form and for the same uses, trusts and purposes, as such officers for the time being, are obliged by law to do in the county of Northampton. 1813.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the sheriffs, coroners, and other officers of the counties of Dauphin and Lancaster, shall continue to exercise the duties of their respective offices within the county of Lebanon, until similar officers shall be appointed agreeable to law within said county; and the persons who shall be appointed associate judges for the county of Lebanon, shall take the requisite oaths or affirmations of office, before the prothonotary of the Court of Common Pleas of the county of Dauphin, who shall file a record of the same in the office of the prothonotary of the Court of Common Pleas of the said county of Lebanon, who may be appointed at any time after the passing of this act; and all certioraries of, and appeals from the judgment of any justice of the peace of the said county of Lebanon, and all criminal prosecutions which may originate in the said county, before the test day hereinafter mentioned, shall be proceeded in as heretofore in the Courts of Common Pleas and Quarter Sessions of the counties of Dauphin and Lancaster, as the case may be; and all process to issue from the courts of the said county of Lebanon, returnable to the first term in said county shall bear test as of the first day of November next. Sheriffs, &c. of Dauphin & Lancaster to execute their duties until officers appointed in Lebanon. Associate judges to take oaths before prothonotary of Lebanon. Certioraries, &c. originated before test day to be proceeded in as heretofore in Dauphin. Test day.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Dauphin and of the county of Lebanon, shall jointly elect three representatives, and one senator, to serve in the legislature of this commonwealth, in the same mode, under the same regulations, and make return in the same manner, as is or shall be directed by the laws of this commonwealth for conducting and making returns of the elections in the county of Dauphin, any thing in this act to the contrary notwithstanding. Members of the legislature, how to be elected.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized and required, on or before the first Monday of December next ensuing, to appoint three discreet and disinterested persons, not resident in the counties of Lebanon, Dauphin, or Lancaster, whose duty it shall be to fix upon a proper and convenient scite for a court house, prison, and county offices within the aforesaid county of Lebanon, as near the centre as the situation thereof will admit; and the said persons or a majority of them, having viewed the relative advantages of the several situations contemplated by the people, shall, on or before the first day of January next, by a written report under their hands and seals, or under the hands and seals of a majority of them, certify, describe and limit the scite or lot of land, which they shall have chosen for the purpose aforesaid; and shall transmit the said report to the governor of this commonwealth; and the persons so as aforesaid appointed, shall receive two dollars and fifty cents per diem, for their services, out of the monies to be raised in pursuance of this act. Governor to appoint commissioners to fix on a scite for public buildings. And report their proceedings to the governor. Compensation.

SECT. 11. *And be it further enacted by the authority aforesaid,*

1813. That it shall and may be lawful for the commissioners of the county of Lebanon, which shall be elected at the next annual election, to take assurance to them or their successors in office, of such lot or piece of ground as shall have been approved of by the persons appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, jail, and offices, for the safe keeping of the records; and that for defraying the expenses thereof, the county commissioners are hereby authorized to assess, and levy, and collect in the manner directed by the acts for raising county rates and levies, a sufficient sum to defray the expenses thereof.\*

Commissioners of Lebanon to take assurance of land, &c. To levy a tax for expenses of erecting public buildings. Lancaster, Dauphin, and Lebanon, to be a district for members of congress. Jurisdiction of supreme court extended to Lebanon, annexed to Lancaster district.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said county of Lebanon shall form part of the district composed of the counties of Lancaster and Dauphin, for the election of members of congress.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the judges of the supreme court shall have like powers, jurisdiction and authority within the said county of Lebanon, as by law they are vested with and entitled to have and to exercise in other counties of this state, and the said county is hereby annexed to the Lancaster district of the Supreme Court.

SECT. 14. [Altered and supplied, ch. 4011.]\*

Where the return judges of election are to meet.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the judges of the district elections within each of the said counties of Dauphin and Lebanon, after having formed the returns of the whole election for senators and representatives, as the case may be, within each county in such manner as is or may be directed by law, shall on the third Tuesday in October, in each year, send the same by one or more of their number, to the court house in the county of Dauphin, when and where the judges so met, shall cast up the several county returns, and execute under their respective hands and seals, as many returns for the whole district as may be requisite, and also transmit the same as is by law required of the return judges in other districts.

SECT. 16. [Expired.]

SECT. 17. [Expired.]

Paupers to be kept, &c. in the poor-house of Dauphin, expense to be paid by Lebanon.

SECT. 18. *And be it further enacted by the authority aforesaid,* That all the paupers now in the poor house of Dauphin county, shall continue to be maintained therein, the expense of keeping those who were sent from that part of said county now included in Lebanon county, to be paid annually by the treasurer of Lebanon county, at the request of the directors of the poor of the county of Dauphin; and such paupers as may hereafter be in Lebanon county, shall be maintained and treated as was directed by law, before the erection of the house aforesaid.

15th & 17th sections continued for 3 years, or until buildings erected.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the sixteen<sup>th</sup> and seventeenth sections of this act, shall be, and continue in force for the term of three years, or until a jail shall be

\* Any two of the commissioners authorized to take conveyance of the lots selected, ch. 3839

† Courts to be held on the first Monday after the commencement of the courts in Schuylkill, which are on the last Mondays in March, July, October and December, (see ch. 3639) ch. 4611.



erected in the said county of Lebanon, and ready for the reception of prisoners, and approved of by the court and grand jury, who shall enter their approbation signed by them on the record of said court; and from thenceforth it shall be lawful for the sheriff of Lebanon county to receive all and every person or persons who may then be confined in the jail of Dauphin county, on legal process issued by proper authorities from Lebanon county, and convey them to the jail of Lebanon county, and to keep them in custody until they shall be discharged by due course of law.

Passed 16th February, 1813 —Recorded in Law Book No. XIII. p. 337.

**NOTE.**—Commissioners appointed to run the lines between Lebanon, Lancaster and Dauphin. (ch. 3839.)

Acts of the register, clerk of the Orphan's Court and recorder of Lebanon county confirmed. (ib.)

Lebanon to be divided into districts not exceeding five, for the appointment of justices, (ch. 3868.) See also sect. 10,

art. 4, cons. vol. 3, p. 490, vol. 5, p. 175.

Dauphin and Lebanon to be a district to elect one senator. (ch. 4065.)

Schuylkill, Lebanon and Dauphin, erected into the 12th judicial district. (ch. 4011.)

Part of East Hanover and Belhel townships Dauphin county, annexed to Lebanon. (ch. 4999.)

## CHAPTER 3651.

An act supplementary to an act, entitled, "A further supplement to the act entitled, "An act for offering compensation to the Pennsylvania claimants, of certain lands in the seventeen townships in the county of Luzerne, and for other purposes therein mentioned." (i)

[Vol. 5, p. 189, see also vol. 3, p. 362, and notes at p. 366, see also ch. 3777, and notes thereto.]

Passed 16th February, 1813.—Expired—Recorded in Law Book No. XIII. p. 345.

(i) By this act. the 3d and 4th sections of the act of 23d January, 1811, vol 5, p. 185, so far as they require the secretary of the Land Office to ascertain the principal and interest due on certain lands therein mentioned, on the first of November 1812, and from that time to charge interest on the aggregate, were

suspended until the 1st January, 1815, and the 4th section of the act of 22d December, 1812, (ch. 3605,) which had reenacted the same sections, was repealed.

By the 6th section of the act of 25th January, 1816, (post. ch. 4139,) the same sections are repealed.

## CHAPTER 3653.

An act to incorporate "The Society of Artists of the United States," by the name of the Columbian Society of Artists.

**SECT. 1.** [MEMBERS incorporated by the name of "The Columbian Society of Artists." Corporate powers granted. The yearly income of their real estate not to exceed two thousand dollars. 2. Descriptions of persons who shall compose the society. The terms of acquiring and losing membership to be determined by the bye-laws. 3. Members to be divided into two classes, Fellows and Associates. The society may confer the title of "Honorary Member." 4. Times of holding stated meetings. Thirteen members to be a quorum. 5. The officers to be a president, four vice-presidents, a treasurer, and one or more secretaries, to be chosen annually. Manner of conducting elections to be regulated by the bye-laws. From which classes the officers shall be chosen. Manner of supplying vacancies. 6. The schools which may be established, to be un-

1813. *der the direction of the Fellows, who shall report quarterly. The Fellows to superintend exhibitions. 7. Society authorized to create a fund for the relief of decayed artists members of the society, and of the widows and orphans of deceased members. This fund to be unalienable, and the surplus income from it to be added to the capital. Society may make donations out of any other monies not so appropriated.]*

Passed 16th February, 1813.—Recorded in Law Book No. XIII. p. 347.

## CHAPTER 3654.

An act granting certain privileges to the mayor, aldermen, and citizens of Philadelphia, in relation to the highways, streets, and roads of Penn township, in the county of Philadelphia.

*SECT. 1. BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, it shall and may be lawful for the mayor, aldermen, and citizens of Philadelphia, to make use of any of the public highways, streets and roads of Penn township, in the county of Philadelphia, for the purpose of laying down (re-laying) and repairing of conduit pipes, and the usual and necessary devices connected with the same, for supplying the city of Philadelphia, and the adjoining districts, with water: *Provided always,* That the laying, re-laying, and repairing of the said conduit pipes, and the usual and necessary devices connected therewith, shall be done in such manner as not to obstruct the passage of the said highways, streets or roads, and that all damage or injury which may ensue to the said highways, streets or roads, from the exercise of the privilege hereby granted, shall be repaired by the said corporation at its own proper costs.

Passed 16th February, 1813.—Recorded in Law Book No. XIII. p. 353.

## CHAPTER 3656.

[Sup. ch. 3901; see also, ch 3916, 4523.] An act to authorize the governor to appoint commissioners to lay out certain roads, therein mentioned, and for other purposes.

*SECT. 1. BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a road, beginning at the town of Indiana, in Indiana county, and from thence by the nearest and best route to Pittsburg, in the county of Allegheny; and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and they shall deposit a copy of a draught of the said road in the office of the clerk of the Court of Quarter Sessions, in each county through which the said road shall pass, and the said clerks respectively shall enter the same on the records, which shall be a record of

To appoint commissioners to lay out a road from Indiana to Pittsburg.

Draught to be deposited with the clerks of the sessions.

the said road ; and from thenceforth shall be to all intents and purposes, a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the courts in the counties aforesaid.\*

1813.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized, to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a road beginning at the borough of Bellefont in the county of Centre, and from thence by the nearest and best route to the town of Indiana, in the county of Indiana ; and the said commissioners shall proceed to perform the said service at such time as the governor shall direct ; and they shall deposit a copy of a draught of the said road in the office of the clerk of the Courts of Quarter Sessions in each county through which the said road shall pass, and the said clerks respectively shall enter the same on the records, which shall be a record of the said road, and from thenceforth shall be to all intents and purposes a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the courts in the counties aforesaid.

Commissioners to be appointed to lay out a road from Bellefont to Indiana.

Draught to be deposited with the clerk of the proper court. Road to be public and kept in repair, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the road beginning at the Strasburg road near the house of John G. Parke, in the county of Chester, thence leading over M'Call's ferry to the Maryland line, in a direction to the city of Washington, laid out in conformity to an act of assembly passed the twenty-second day of March, one thousand eight hundred and nine, be and the same is hereby directed to be opened to the width of fifty feet, in the same manner as is directed by the first section of this act.†

Road from near J. G. Parkes', in Chester, to the Maryland line, to be 50 feet. [Vol 5, p. 35, see also ch. 4523.]

SECT. 4. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorized to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a road beginning at Jonestown, in Dauphin county, and from thence the nearest and best route to Orwigsburg, and from thence by Solomon's Gap to Wilkesbarre, in Luzerne county ; and the said commissioners shall proceed to perform the said service, at such time as the governor shall direct ; and they shall deposit a copy of the draught of said road in the office of the clerk of the Court of Quarter Sessions, in each county through which the said road shall pass ; and the said clerks respectively shall enter the same on the records, which shall be a record of the said road, and from thenceforth shall be to all intents and purposes, a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the courts in the counties aforesaid.‡

Commissioners to be appointed to lay out a road from Jonestown to Orwigsburg, thence by Solomon's Gap to Wilkesbarre. Draught to be deposited. Road to be public and kept in repair as other roads, &c.


SECT. 5. *And be it further enacted by the authority aforesaid,* That the said commissioners and each of them shall receive three dollars for every day they shall be necessarily employed in the ser-

Commissioners' compensation.

\* Review directed, and the report of the commissioners to be filed in the Quarter Sessions of the counties through which the road passes, (ch. 3916 )

† Review of the road directed, (ch. 4523.)

‡ Review directed of the part in Berks county, and Quarter Sessions of counties through which the road passes, to direct supervisors to open the same, (ch. 3901.)

1813.  vice aforesaid, with a reasonable compensation for the hands necessarily employed in chaining and marking the lines of the roads aforesaid, and the expense that may be so incurred in laying out and marking said roads in each of the said counties through which it may pass, shall be paid by the counties respectively, in proportion to the distance said roads may pass through the same, on warrants drawn by the county commissioners, of each, on the treasurer thereof, in favour of the commissioners to be appointed, the draught of the said road to be made by the said commissioners: *Provided*, That before the said commissioners enter upon the duties of their appointment, they shall each take and subscribe an oath or affirmation, before some judge or justice of the peace, to perform the duties enjoined and required by this act, with fidelity and impartiality, a transcript whereof shall be filed with each draught of the road, and deposited in the respective counties through which the said roads shall pass.

Counties to pay the expense.

Commissioners to take an oath, &c.

SECT. 6. *And be it further enacted by the authority aforesaid*, That it shall be the duty of said commissioners, and they are hereby required in laying out each and every of the said roads, whenever the same is conveniently practicable, not to exceed in ascent or descent more than five degrees above or below a horizontal level.

Elevation and depression of the road, &c.

SECT. 7. *And be it further enacted by the authority aforesaid*, That every person or persons through whose land or lands any road or roads may pass, which shall hereafter be laid out in this commonwealth, by special commissioners, to be appointed by the governor, under any act or acts of the general assembly, shall have like remedy as to damages sustained, under the same rules, regulations, and restrictions, as are enacted and contained in the fourteenth section of the act, entitled, "An act for laying out, making, and keeping in repair, the public roads and highways, within this commonwealth," passed April sixth, one thousand eight hundred and two, for the valuation and payment of damages sustained by laying out any road, by order of the Courts of Quarter Sessions. (*l*)

Parties injured how to get damages, &c.

Vol. 3, p. 512.

Passed 18th February, 1813.—Recorded in Law Book No. XIII p. 355.

(*i*) A certiorari was brought to the Quarter Sessions of Lebanon county, to return the record in the case of the state road from Jones town in Dauphin county, to Orwigsburg, and thence by Solomon's Gap to Wilkesbarre, so far as the same is laid out in Lebanon county, (see sec. 4.)

TILGHMAN, C. J. This road was laid out by commissioners under a special act of assembly, and the Court of Quarter Sessions of Lebanon county ordered it to be opened and directed the width of it. Two objections are made to the proceedings. 1. That when the court made the order, they had no record of the return of the commissioners before them. 2. That they had not power to direct the width of the road.

1. The act under which the road was laid out orders the commissioners to deposit a copy of the draught of the road in the office of the clerk of the Court of

Quarter Sessions, in each county through which it shall pass. On the 16th of February, 1813, that part of Dauphin county through which the road passes, was thrown into a new county, which was then created by the name of Lebanon. But inasmuch as the Courts of Common Pleas and Quarter Sessions in Lebanon county were not to be opened and held until the first Monday in December, 1813, and no process was to bear teste sooner than the first day of November, 1813, it does not appear that there was any office in that county, in which the draught of the road could be deposited in June, 1813. Accordingly the commissioners, in June, 1813, deposited their draughts in the county of Dauphin, and I am of opinion, that in so doing they complied with the spirit of the law. The draught, thus deposited, became a record by the express words of the law, and a copy

certified by the clerk of the Court of Quarter Sessions was good evidence at all times and in all places, nor had the court of Lebanon county any authority to remove the record from Dauphin county. Consequently they had a right to act on the certified copy which was before them when they made the order for opening the road.

2. When commissioners are authorized to lay out and mark a road, there might be strong grounds for saying that they may regulate the width of it, for there can be no road without width. But there has been an established construction to the contrary. These expressions have been used in a great many laws, and it has been understood that the commissioners could only designate the *course* of the road. The act in question declares (sec. 4,) that from the time of the draught being recorded in the office of the clerk of the Court of Quarter Sessions, "the road shall be to all intents and purposes a public highway, and shall be opened and kept in repair *in the same manner as* other roads laid out by the authority of the courts of the counties aforesaid." It is to be enquired then, in what manner other roads are opened in these counties. And this will appear by the first section of the general road law, passed 6th April, 1802, (vol. 3, p. 512.) The road laid out by the viewers is to be returned to the Court of Quarter Sessions, and when approved by the court and entered on the record, "it is to be

thenceforth taken to be a public road or highway, and the court shall direct of what breadth the road shall be opened, which shall not in any case exceed fifty feet." It would seem from this, that the power of directing the width of the road is appurtenant to the power of ordering it to be opened. The expressions in the act for laying out this road should not be scanned too critically. The object of candid construction is, to effectuate the meaning of the law, without doing violence to its expressions. As a road cannot be opened without ascertaining its width, and as there are no persons to whom the power of doing this is expressly given, I have no doubt but it was intended the court should do it, otherwise the road could not be opened at all. I think therefore that by the expressions of the act, it may fairly be understood, that the court who order the road to be opened, are at the same time to order the width of it. As to the objection of inconvenience, from the possibility of courts of different counties, ordering it to be opened different widths, there is not much in it. For even supposing it so to happen, and that inconvenience should be found to arise from it, the legislature has always power to reduce the road to an uniform width. I am therefore of opinion, that the proceedings concerning this road should be confirmed.

YEATES and BRACKENRIDGE, Justices, concurred. 1 *Serg. and Raw.* 487.

## CHAPTER 3657.

A supplement to an act, entitled "An act to repeal an act, entitled "An act for [Ch. 3603. the relief of insolvent debtors, residing in the city and county of Philadelphia, Orig act, vol. 5, p. 319.] and their creditors.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the act for the relief of insolvent debtors, in the city and county of Philadelphia, and their creditors, passed the thirteenth day of March, one thousand eight hundred and twelve, and every part thereof, is hereby revived as to all such persons as have delivered their estates, real, personal and mixed, into the hands of the curators for the use of their creditors, and have received a provisional discharge before the passing of the act, entitled, "An act to repeal the act, entitled, "An act for the relief of insolvent debtors in the city and county of Philadelphia, and their creditors," passed the twenty-first day of December, one thousand eight hundred and twelve, in as full and

Act of 13th March, 1812, revived in part.

1813. ample a manner as if the said last recited act had not been passed. (k)

Passed 18th February, 1813.—Recorded in Law Book No. XIII. p. 359.

(k) Existing law for relief of Insolvent Debtors, ch. 3926.

NOTE.—The validity of the original law, (vol. 5, p. 319,) was discussed and determined in the Supreme Court of this state in the case of the Farmers and Mechanics Bank vs. Smith, 3 Serg & Raw. Reports, p. 63. It was objected to in two respects,—

1. In assuming a power which has been *exclusively* vested in the congress of the *United States*.

2. In *impairing the obligation of contracts* contrary to the express prohibition of the 10th sect. of the 1st art. of the Constitution of the *United States*.

The judges were unanimously of opinion that the states had power to pass bankrupt laws as long as congress does not legislate on the subject, and that a state bankrupt law, is not a law impairing the obligation of contracts within the spirit and meaning of the constitutions of the *United States* and *Pennsylvania*.

A final judgment having been thus rendered in the highest court of the state in which a decision in the suit could be had, where was drawn in question the validity of a statute of a state on the ground of its being repugnant to the constitution of the U. S. and the decision was in favour of its validity; the same was re-examined on a writ of error from the Supreme Court of the *United States* in which the judgment of the Supreme Court of the state was reversed; Chief Justice Marshall, delivering the opinion of the court, that the case was not distinguishable from its former decisions, viz. *Sturges v. Crowninshield*, 4 Wheaton, 122, and *M'Millan v. M'Neil*, ib. 209, except by the circumstances that the defendant in the present case was a citizen of the same state with the plaintiff, at the time the contract was made in that state, and remained such at the time the suit was commenced in its courts.—But that these facts made no difference. The constitution of the *United States* was made for the whole people of the Union, and is equally binding upon all the courts and all the citizens. 6 Wheaton, 134. In the case of *Sturges v. Crowninshield*, 4 Wheaton, 122, it was decided, that an act of a state legislature, which not only liberates the person of a debtor, but discharges him from all liability for any debt contracted previous to his discharge, on his surrendering his property in the manner it prescribes, so far as it attempts

to discharge the contract, is a law impairing the obligation of contracts, within the meaning of the constitution of the *United States*.

That although the States may, until that power is exercised by congress, pass laws concerning bankrupts, yet they cannot constitutionally introduce into such laws, a clause which discharges the obligations the bankrupt had entered into.

That there is a distinction between a law impairing the obligation of contracts, and a law modifying the remedy given by the legislature, to enforce that obligation.

That imprisonment of the debtor is no part of the contract, and he may be released from imprisonment without impairing its obligation.

In the case of *M'Millan v. M'Neil*, 4 Wheat. 209, it was determined that a state bankrupt or insolvent law, which not only liberates the person of the debtor, but discharges him from all liability for the debt, so far as it attempts to discharge the contract, is repugnant to the constitution of the *United States*: whether such law was passed before or after the debt was contracted.

The following decisions have been made in the Supreme Court of this state, viz.

That the insolvent law of 13th March, 1812, (vol. 5, p. 319,) does not disturb the lien of a judgment. The lands of the insolvent remain after his assignment, and discharge, subject, as before to proceedings by mortgages and judgment creditors. If the defendant is in possession under his assignees, it is not necessary to serve a *scire facias post annum et diem* upon his assignees 6 Bin. 391.

That a debtor in custody in consequence of a surrender by his bail, is not entitled to his discharge, by virtue of a provisional discharge from the commissioners of insolvents, under the act of 1812. 4 Bin. 483.

That a discharge under the insolvent law of 1812, protects a person from imprisonment by virtue of a bail piece from another state, on account of a debt previously contracted, and what strengthened this case was, that both plaintiff and defendant were citizens of *Pennsylvania*, and the debt there contracted. 1 Serg. and Raw 311.

See also notes to ch. 3926.



An act for the relief of disabled, aged, and poor revolutionary officers and soldiers. [Sup. ch. 3825.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the secretary of the commonwealth, auditor general, and state treasurer, or any two of them, be and they are hereby constituted and erected into a board of enquiry, to ascertain the actual service of such officers and soldiers as shall apply for the benefit of this act, either by themselves or their lawful attorney, and if it shall appear to the satisfaction of said board, that any applicant has served in the Pennsylvania line during the revolutionary war, or until he was regularly discharged, and from age, bodily infirmity, or other causes, is unable to earn a living, and that he is not possessed of property sufficient to maintain him, and has not heretofore been placed on the pension list of this state, nor shall, at the time of making such application as aforesaid, receive from the United States an annuity, in their opinion sufficiently comfortable, it shall be their duty, and they are hereby authorized and required to place his name on the pension book, opened by them in their offices respectively, allowing each applicant so as aforesaid entitled to an annuity, if a non-commissioned officer or soldier at their discretion a sum not exceeding the half pay of such non-commissioned officer or soldier; and if a commissioned or staff officer, a sum not exceeding the one-fourth of such commissioned or staff officers pay, according to the rank held by him at the time of his leaving the service, to continue during life, payable half yearly, and also an additional sum, equal to one years annuity, to be paid at the time of making the decree.

Board instituted to ascertain the services of officers. Facts to be enquired into. Authorized to place certain description of persons on the pension list. Limitation as to the amount.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That each officer and soldier, placed on the pension books under the provisions of the act, entitled, "An act constituting a tribunal to relieve the distresses of the disabled, or infirm and poor revolutionary officers and soldiers, who served in the Pennsylvania line," passed March thirty-first, one thousand eight hundred and twelve, shall be entitled to receive a sum of money equal to one years annuity, immediately after the passing of this act, over and above the annuity he is to receive by virtue of the decree of the court appointed under the act aforesaid.

Part of this extended to pensioners under act, vol. 5, p. 369.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if it shall appear to the board aforesaid, to be necessary, they shall recommend to the Orphans' Court of the county within which any such officer or soldier shall reside, whose duty it shall be to appoint some suitable person to be his guardian, removable at any time by said court, and it shall be the duty of such guardian to draw the annuity from the treasury, and apply the same in procuring diet and clothing for such officer or soldier, and render an account of said expenditure to said court annually, on oath or affirmation, who are hereby authorized and required to settle and adjust the same without fees, to the said court or to the officers thereof.

If necessary, board to recommend the appointment of guardians. Their duties.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the act, entitled, "An act constituting a tribunal to relieve the

Former act repealed.

1813. distresses of disabled, or infirm and poor revolutionary officers and soldiers, who served in the Pennsylvania line," passed March thirty-first, one thousand eight hundred and twelve, be and the same is hereby repealed. (1)

Passed 25th February, 1813.—Recorded in Law Book No. XIII. p. 360.

(1) By a supplement, (ch. 3825,) any officer or soldier who has served during the revolutionary war, one year in the Pennsylvania line, and who by age, infirmity or other causes, is unable to maintain himself, to be placed on the pension list. Pensioners to make oath of having been honourably discharged. Widows and children of officers and soldiers who died in the service of the state, during the late war, entitled to the benefits of the act, vol. 2, p. 517, (see ch. 4244.)

## CHAPTER 3660.

An act to incorporate the trustees of Hughesian Free School, in Buckingham township, Bucks county.

SECT. 1. [INCORPORATED by the style of "The Trustees and Directors of the Hughesian Free School," with the usual corporate powers. Land devised by Amos Austin Hughes not to be aliened. 2. To have a common seal. 3. Provision for supplying vacancies. Trustees to be elected by the qualified electors. Not to exceed twelve. Qualifications as directed by the will of Amos A. Hughes. Seven to be a quorum. One to be annually chosen President. 4. Trustees may elect such officers as they think necessary. To make by-laws, &c. not inconsistent with the laws and constitution of the United States or of this commonwealth. 5. May erect suitable buildings. Interest of funds to be employed in teaching poor children of the township of Buckingham, the essential branches of an English education, and in boarding and clothing, such as the trustees may think proper. Children of the blood kindred, of the testator, to be allowed the benefits of the institution. 6. Three directors to be appointed by the trustees from their own number. Rotation in their office. 7. Directors to employ teachers. To visit the school, and report to the trustees annually. 8. By-laws, &c. to be entered, &c. No misnomer to defeat any grant to the corporation, provided the intention be clear. Nonuser of their privileges not to work a forfeiture. 9. [Obsolete.]

Passed 25th February, 1813.—Recorded in Law Book No. XIII. p. 364.

## CHAPTER 3663.

A supplement to an act, granting arbitrations.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* where a suit or action has been or hereafter shall be marked for trial at any court, such suit or action shall not be referred, (except by consent of parties,) within thirty days before, nor during the sitting of

[Vol. 5, p.  
131.]

Suit marked for trial, not to be referred within 30 days of the court.

said court, and that the first and second provisos in the first section of the act to which this is supplementary, are hereby repealed. (m) 1813.

Passed 25th February, 1813.—Recorded in Law Book No. XIII p. 372.

Part of former act repealed.

(m) The provisos repealed, are 1. That no rule shall be entered, unless within at least 30 days previous to the first day of the third term. 2. That in such suits which may have been pending more than six months previous to 1st May, 1810, shall not be referred in term or during the sitting of the court at which such suit may have been marked for trial. Vol. 5, p. 132.

NOTE.—See notes to original act, vol. 5, p. 151. For notes and additional references, see ch. 4901.

## CHAPTER 3664.

An act to enable the governor to incorporate a company to make an artificial road, from the court-house in the borough of Lewistown, to Alexander Reed's, in Kishacoquillas valley. [Sup'ts. ch. 4590, 4895.]

SECT. 1. [COMMISSIONERS authorized to receive subscriptions. Shares fifty dollars. Their duty. One dollar per share to be paid on subscribing. 2. Proceedings to obtain a charter. Corporate style to be "The Lewistown and Kishacoquillas Turnpike Company." The usual corporate powers granted. 3. Proceedings to organize the corporation. Officers to be a president, six managers and treasurer, chosen by ballot. Company to make by-laws. The corporation to have the same powers, subject to same restrictions and penalties, and receive the same tolls as the Susquehannah and York borough turnpike company. Vol. 4, p. 161. To commence proceedings in three, and complete road in seven years. [Extended to 1st May, 1822, ch. 4895.] 4. If the Harrisburgh and Pittsburg company, [incorporated 24th March, 1812, vol. 5, p. 351,] shall make this road a section of the general road, then this company to be merged in the one incorporated, by act of 24th March, 1812, vol. 5, p. 351.\* Consolidated company to have the privileges given by that act. Tolls to be divided. To be liable to contracts under this act. Nothing in this to be construed so as to defeat the provisions of the original act. Company to continue separate until such consolidation. (n)

Passed 25th February, 1813.—Recorded in Law Book No. XIII. p. 372.

(n) The company authorized to extend the road from Alexander Reed's tavern to the division line between Huntingdon and Mifflin, and increase their capital stock, (ch. 4590.)

## CHAPTER 3666.

An act establishing an Academy in the borough of Beaver, in the county of Beaver.

SECT. 1. [BEAVER Academy established. 2. Trustees incorporated by the style of "The Trustees of the Beaver Academy," with the usual corporate powers. Yearly value of property not to exceed five thousand dollars. May erect suitable buildings. 3. May keep a common seal. 4. Six of the trustees to form a quorum for the transaction of business, with power to make by-laws and ordinances, to supply vacancies, appoint teachers, and transact all the business of the corporation. 5. All by-laws and ordinances to be entered, &c. No misnomer of the corporation to annul any gift,

\*The act of incorporation, is of the 4th March, 1807, vol. 4, p. 370. The act referred to is a supplement to the act of incorporation.

1813. provided the intention be clear. Non user not to be a forfeiture. 6. *Bona fide* alienations of corporate property by less than six trustees to be valid unless controverted within seven years. 7. Trustees to appoint a treasurer annually. Treasurer to keep account and give bond. 8. How the funds of the corporation are to be appropriated. 9. The bonds of former trustees (see vol. 4. p. 12, 322.) to be cancelled on producing vouchers, from the treasurer. 10. Contracts of the late trustees to be performed by the present ones. 11. Other acts repealed. (o)

Passed 25th February, 1813.—Recorded in Law Book No. XIII. p. 380.

(o) 500 acres of land to be laid off for the use of such school as should be hereafter established by law, in the town of Beaver, vol. 3, p. 429. For general reference to the laws relating to the town of Beaver and out lots at the mouth of Beaver creek, see vol. 3, p. 56, and ch. 3877, 4194, 4513, &c.

#### CHAPTER 3671.

[Vol. 5, p. 504.] An act explanatory of an act, entitled, "An act erecting part of Northampton county into a separate county"

Part of the line designated.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that part of the boundary line of the county of Lehigh, beginning at the Bethlehem line, where it joins the river Lehigh, thence along said line until it intersects the road leading from Bethlehem to the Lehigh water gap, shall be taken, construed, and understood to be the line of Bethlehem township, any thing in the aforesaid act to the contrary notwithstanding.*

Passed 4th March, 1813.—Recorded in Law Book No. XIII. p. 391.

#### CHAPTER 3672.

An act vesting in the guardians and overseers of the poor for the city and county of Philadelphia, a certain burial ground on the west side of Schuylkill near the upper ferry, for the use of the poor of said county.

SECT. 1. [THE right of the commonwealth to the burial ground of two acres and twenty two perches, vested in the guardians and overseers of the poor for the city and county of Philadelphia in trust for the use of the poor thereof for a burial ground. Nothing in the act to impair the right of any person.]

Passed 4th March, 1813.—Recorded in Law Book No. XIII. p. 391.

#### CHAPTER 3673.

An act to enable the governor to incorporate a company for making an artificial road from the town of Manheim to the town of Richland, to meet New Haven street, at the point where the same intersects the Lancaster and Middletown turnpike in the county of Lancaster.

SECT. 1. [COMMISSIONERS appointed to procure books and receive subscriptions. Form of subscription. Price of shares one hundred dollars. Notice to be given of the times and places of opening books. Books may be transferred from place to place on giving notice. To be closed when two hundred and seventy-five shares are subscribed. Ten dollars a share to be paid on subscri-



bing. 2. When forty or more persons have subscribed one hundred and thirty shares, the commissioners may certify it to the governor, who shall issue his letters patent creating the subscribed a body corporate, by the name of "The President, Managers, and Company of the Manheim and Richland Turnpike Road." Usual corporate privileges granted. 3. Notice to be given of the time and place of organizing the company. A president, eight managers, and treasurer, to be chosen by ballot for one year. Company may make by-laws, &c. not inconsistent with the constitution and laws of the United States or of this state. To have similar privileges, and be subject to like restrictions, &c. as the Lancaster and Susquehanna Turnpike Company, incorporated 19th March, 1810.\* No toll to be demanded of any person passing from one part of his or her farm to another, or to or from any place of public worship or funeral, or from the militia on days of muster, or from electors going to or returning from elections. Roads to be commenced in three and completed in ten years.]

Passed 4th March, 1813.—Recorded in Law Book No. XIII. p. 393.

#### CHAPTER 3674.

An act establishing two public schools or academies, in the county of Wayne.

SECT. 1. [TWO Academies established in Wayne county, one in the eastern part to be called, "The Delaware Academy." The other in the western part to be called "The Beachwoods Academy." Commissioners appointed to fix the scites. Trustees may receive grants and donations of land, and dispose of it for the benefit of the institutions. 2. Trustees appointed for each academy. Declared to be two bodies corporate with the styles of "The Trustees of the Delaware Academy," and "The Trustees of the Beachwoods Academy." Usual corporate powers granted. 3. Time and place of holding first meeting of trustees. 4. Trustees to make by-laws, to appoint a treasurer. 5. Treasurer to keep accounts. 6. Trustees to be chosen annually. 7. One thousand dollars granted to each academy. Manner of applying it. Not to be paid until three hundred dollars have been subscribed and paid. Two poor children annually to be instructed gratis.]

Passed 4th March, 1813.—Recorded in Law Book No. XIII. p. 398.

#### CHAPTER 3676.

An act to continue and amend "An act entitled, an act to incorporate the Philadelphia Insurance Company." [Orig. act, vol. 4, p. 169.]

SECT. 1. [THE act 26th March, 1804, (vol. 4, p. 169.) continued for 20 years, from the 31st December, 1814. If privileges injurious to the interest of the commonwealth, the legislature may annul them. 2. After the 31st December, 1814, directors not to permit a transfer of stock except to a citizen of the United States, if to an alien transfer to be void.]

Passed 4th March, 1813.—Recorded in Law Book No. XIII. p. 403.

\* There is no law of this date for that purpose, the act to incorporate the Lancaster and Susquehanna turnpike company, is of the 22d April, 1794, vol. 3, p. 191

1813.

## CHAPTER 3673.

An act to erect the town of Orwigsburg, in the county of Schuylkill, into a borough.

SECT. 1. [TOWN of Orwigsburg erected into a borough. Its bounds described. 2. A chief burgess and five assistants to be chosen annually on the first Monday of May, by the inhabitants entitled to vote for members of the general assembly, who have resided one year in the borough. A constable and town clerk to be elected at the same time. 3. Place of holding elections. Constables to give notice of the time, &c. Duplicate certificates of elections to be signed, and one transmitted to the clerk of the Court of Quarter Sessions of the county, and the other to be filed among the records of the corporation. When two are equal in votes for the office of burgess, any justice of the peace of the county may decide between them by lot. Remedy for neglecting to hold elections at the time herein prescribed. 4. Power of burgesses to make by-laws, remove nuisances, &c. No taxes to exceed one cent in the dollar, unless otherwise agreed on by a majority of the electors. Assessments to be made conformably to the general laws on the subject of taxation. 5. To be a body corporate by the style of "The Burgesses and Inhabitants of the Borough of Orwigsburg, in the county of Schuylkill," with the usual corporate powers. 6. Penalty on persons refusing to serve when elected. Manner of filling vacancies. Appeal granted to the next Court of Common Pleas, on petition of party aggrieved. 7. Qualification of the borough officers prescribed. To be administered by a justice of the peace or associate judge of the county of Schuylkill.

Passed 12th March, 1813.—Recorded in Law Book No. XIII. p. 404.

NOTE.—The electors of the borough Quarter Sessions, one of them to be appointed to choose two citizens annually for constable, (ch. 3843.) constables, who are to be returned to the

## CHAPTER 3679.

[Vol. 5, p. 354.] A supplement to an act, entitled, "An act to organize for judicial purposes, the counties of Bradford, Tioga and Susquehanna, and for other purposes."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That no suit or prosecution commenced in the courts of Luzerne and Lycoming counties, previous to the full and perfect organization of Bradford, Tioga and Susquehanna counties, shall be delayed, discontinued, or affected by the act to which this is a supplement; but the same process shall issue, and the same acts be done on all suits and prosecutions, and on all judgments thereon, by the sheriffs of Luzerne and Lycoming counties respectively, as if this act had not been passed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the judges of the election districts within that part of Bradford county, which heretofore belonged to Luzerne county, and the judges of the election districts within Susquehanna county, after

Suits commenced in Luzerne and Lycoming before the organization of Bradford, Tioga, and Susquehanna, not to be affected.

Return judges of election to meet.

having formed the return each in their respective county, of such officers as are directed by the act to which this is a supplement, to be elected with Luzerne county, shall send the same by one of their number respectively to the house of Cyrus Avery, in the township of Tunkhannock, Luzerne county, where they shall meet the judge of election who may be appointed by those of Luzerne county, on the Tuesday next succeeding the general election, when and where the judges so met, shall cast up the several county returns and execute under their respective hands and seals as many returns for the whole district as may be requisite, and also transmit the same as is by law required of the return judges in other districts.

1813.

Their duties.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the judges of the election districts within that part of Bradford county which heretofore belonged to Lycoming county, and the judges of the election districts within Tioga county after having formed the return each in their respective county, of such officers as are directed by the act to which this is a supplement, to be elected with Lycoming county, shall send the same by one of their number for each county respectively, to the court-house of Lycoming county, where they shall meet the judge who may be appointed by those of Lycoming county, on the Tuesday next succeeding the general election, when and where the judges so met, shall cast up the several county returns and execute under their respective hands and seals as many returns for the whole district as may be requisite, and also transmit the same as is by law required of the return judges in other districts.

Return judges of election within a part of Bradford and Tioga, where to meet.

Their duties.

SECT. 4. *And be it further enacted by the authority aforesaid,* That immediately after the passing of this act, the commissioners of Bradford and Susquehanna counties respectively, shall be and they are hereby authorized and empowered, to appoint a suitable number of assistant assessors, and to direct an assessment of the taxable property in said counties respectively in the nature of a triennial assessment, which shall continue in the usual form, and shall have as full effect until the triennial assessment which is to be made in the year one thousand eight hundred and sixteen, as if the said assessment had been made at the regular stated period.

To appoint assistant assessors, &amp;c.

SECT. 5. [Expired.]

SECT. 6. [Expired.]

SECT. 7. *And be it further enacted by the authority aforesaid,* That the fifth and sixth sections of this act, shall continue in force until jails are completed in Bradford and Susquehanna counties, respectively, and approved of by the courts and grand juries of the counties of Bradford or Susquehanna respectively, who shall enter their approbation, signed by them, on the records of said courts; and from thenceforth it shall be lawful for the sheriffs of Bradford or Susquehanna counties; to receive all and every person or persons, who may then be confined, in the jails of the said counties, on legal process, issued by proper authority, from Bradford or Susquehanna counties, and convey them to the jail of Bradford or Susquehanna county, as the case may be, and to keep them in custody until he, she or they, shall be discharged by due course of law.

5th &amp; 6th sections of this act limited.

When prisoners are to be removed.

SECT. 8. *And be it further enacted by the authority aforesaid,*

1813. That the selection that has heretofore been made, of men to serve in each of the said counties as jury men, for the present year, and all proceedings respecting the same, are hereby declared to be legal.

Luzerne attached to 11th district.

SECT. 9. *And be it further enacted by the authority aforesaid,* That from and after the first Monday of July next, the county of Luzerne, shall be attached to, and form a part of the eleventh district or circuit, and the president of said district or circuit, and the associate judges of Luzerne county, shall hold the several courts for the same.

Time of holding courts.

SECT. 10. *And be it further enacted by the authority aforesaid,* That as soon as the said county shall become attached to and form part of the said district or circuit, in pursuance of this act, the several courts shall commence on the last Mondays of December, March, July, and October, and be holden for the same time and in the same manner, as is prescribed by the laws of this commonwealth.

Part of former act repealed.

SECT. 11. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

Passed 12th March, 1813.—Recorded in Law Book No. XIII. p. 410.

NOTE.—President of 4th Judicial District authorized to try causes in Bradford county, in which the President of the court of said county was counsel, under the provisions of the act, ch. 4219, (see ch. 4990.)

Counties of Northumberland, Columbia, Union, Luzerne, and *Susquehanna*, formed into a district to elect two senators; return judges to meet at the house of John Brown, in Berwick, in Columbia county, (ch. 4065.)

Lycoming, Centre, Clearfield, McKean, Potter, *Bradford*, and *Tioga*, to be a district to elect one; judges to meet at the Court House in Williamsport. (ib.)

Luzerne and *Susquehanna*, to elect two representatives; judges to meet at the house of Charles Otis, in Luzerne. (ib.)

Bradford and *Tioga* one; judges to

meet at the house of Moses Taylor. (ib.)

The electors of Bridgewater in *Susquehanna* to elect four citizens for constables, two of them to be appointed by the court, (ch. 4811.)

The act, ch. 3779, to improve the breed of sheep in certain counties, extended to *Tioga*, (ch. 4138.)

*Susquehanna*, Bradford, and *Tioga*, erected into the 13th judicial district. President and judge to be appointed.—Courts to be held as heretofore, ch. 4508.

See ch. 4565, act making provision for collecting certain road and county taxes in Bradford and *Susquehanna*.

Bradford to be divided into eight, *Susquehanna* and *Tioga*, each into six districts, for the appointment of justices of the peace, ch. 3868. See Cons. Penna. art. 5, sec. 10, also vol. 3, p. 490.

## CHAPTER 3690.

[Vol. 2, p. 370.]

An act to amend the act, entitled, "An act for incorporating the society known by the name and style of, The Mutual Insurance Company for insuring houses from loss by fire, to ratify and confirm the articles of agreement of the contributors, and to enable them to make suitable by-laws for the better management and prosecution of the said design."

SECT. 1 [COMPANY authorized to invest their funds on mortgages, in the public stock of this state or United States, of any company incorporated by this state or the United States: 2. To hold lands, &c. necessary for the convenient transaction of business or of which they may have become possessed in payment of debts, &c. 3. So much of the 4th sect. of the original act as requires public notice to be given of the business intended to be transacted, &c. repealed. 4. So much of the 8th sect. as relates to the lending money on mortgage, &c. and such other parts of that act as are inconsistent with this, repealed. 5. Company not to issue notes in the nature of bank notes, become indorsers, or make discounts.]

Passed 12th March, 1813.—Recorded in Law Book No. XIII. p. 422.



## CHAPTER 3691.

1813.

An act to continue and amend an act, entitled, "An act to incorporate the Union Insurance Company of Philadelphia."

[Vol. 4, p. 110.]

SECT. 1. [ACT of corporation extended until the 1st of May 1835, except such parts of it as are altered, &c. 2. Capital to be 300,000 dollars in 5000 shares of 60 dollars, liability to the full amount of former capital not to be affected. 3. Capital may be invested in the public securities of the United States, or some of them in stock of their own or other companies incorporated by this state; in bills of exchange loaned to the state of Pennsylvania, or on the security of real estate in the city and county of Philadelphia. 4. Election of directors and annual meeting of stockholders on the 2d Monday in January, annually a majority of directors may call a special meeting of the stockholders, giving twenty days notice; dividends to be 1st Monday of January and July. 5. So much of act, vol. 4, p. 110, as hereby altered, repealed. Powers to continue after 1st May, 1835, for settlement of prior accounts. The legislature may annul the charter when they may think proper.]

Passed 12th March, 1813.—Recorded in Law Book No. XIII. p. 424.

## CHAPTER 3693.

An act authorizing the governor to appoint commissioners for the purpose of laying out a road from the borough of West Chester, in Chester county, to M'Call's ferry on the Susquehanna.

SECT. 1. [REPEALED and road as laid out vacated, (ch. 3958,) 2. Obsolete.]

Passed 12th March, 1813.—Recorded in Law Book No. XIII. p. 427.

## CHAPTER 3695.

A supplement to an act, entitled, "An act for to lay a tax on dogs in certain counties, and for other purposes." [Vol. 5, p. 36.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, it shall and may be lawful for the collectors of the township of Passyunk, in the county of Philadelphia, and they are hereby directed to pay over all monies arising from the tax collected on dogs in the township aforesaid, after deducting a commission of five per cent, for collection, to the overseers of the poor, to be appropriated to the support of the poor of said township.

Collectors of Passyunk, to pay to the overseers of the poor.

Passed 12th March, 1813.—Recorded in Law Book No. XIII. p. 450.

NOTE.—For general reference to laws laying a tax on dogs, see ch. 5059.

## CHAPTER 3702.

An act enabling the governor to incorporate a company for making an artificial road, beginning at or near John Guthrie's, on the Downingstown, Ephrata and Harrisburg turnpike road; thence by or near George Ligget's mill, thence by or near the Barley Sheaf, thence by or near the Compass to Nathaniel Lightner's on the old Pennsylvania road, in Lancaster county.

SECT. 1. [COMMISSIONERS appointed to receive subscrip-

1813. tions. Form. Shares 50 dollars. One month's notice to be given of the time and place of opening books. Commissioners may adjourn and transfer the books from place to place, giving notice. Books to be closed when 400 shares subscribed. 5 dollars a share to be paid on subscribing. 2. When 50 persons have subscribed 200 shares, the commissioners to certify it to the governor, who to incorporate the subscribers by the name of "The President, Managers, and Company of the Hibernia Turnpike Road." 3. Twenty days notice to be given of the time and place of organizing the company. A president, ten managers, and treasurer to be chosen by ballot for one year. Company may make by-laws, &c. not inconsistent with the constitution and laws of the United States or of this state. To have similar powers, privileges, &c. be subject to similar restrictions, penalties, &c. as "The Gap and Newport Turnpike Company," (vol. 4, p. 395.) No toll to be demanded of persons passing from one part of his farm to another, or from public worship, attending funerals, or from militia on days of training. Work to be commenced in three and completed in fifteen years.

Passed 22d March, 1813.—Recorded in Law Book No. XIII. p. 436.

#### CHAPTER 3703.

[Vol. 5, p. 116, sup ch. 4179, 4498.] A supplement to the act, incorporating a company for making a turnpike road from Middletown to Harrisburg; passed the nineteenth of March, one thousand eight hundred and ten.

SECT. 1. [TWO additional commissioners appointed. 2. Road to be commenced in three and completed in seven years after the 1st May, 1813.] (*p*)

Passed 22d March, 1813.—Recorded in Law Book No. XIII. p. 441.

(*p*) The governor authorized to subscribe 200 shares, to be paid for in sums proportional to the parts of the road completed, (ch. 4179) by the act, vol. 4, p. 137. Stockholders to agree to such regulations as future legislatures shall enact, (ch. 4687.)

The company authorized to take additional tolls, (ch. 4498.) The governor authorized to subscribe 4000 dollars to the stock, to be expended in liquidations of the debts of the company, (ch. 4985, sec. 59.)

Authorized to increase or diminish their tolls under the restrictions provided

#### CHAPTER 3704.

[Incorp vol. 4, p. 395.]

An act in aid of the Gap and Newport turnpike road.

SECT. 1. [GOVERNOR to draw his warrant for 2000 dollars, when five miles is completed, and for same sum when a second section is finished; and for 1000 dollars when a third is completed. Certificates of stock to be deposited, and dividends paid into the treasury. Auditor general to enforce payment of dividends. 2. So much of the act, (vol. 4, p. 395,) as is altered and supplied, repealed.]

Passed 22d March, 1813.—Recorded in Law Book No. XIII. p. 442.

NOTE—The Governor authorized to subscribe 10,000 dollars to the stock, (ch. 4437, sec. 26.) To subscribe for 100 shares, (ch. 4985, sec. 20.)

## CHAPTER 3705.

1813.



An act authorizing the governor to incorporate a company, to make an artificial road from the town of Manchester, in the county of York, to intersect the York, Cone-wago, and Canal turnpike road, between the fifth and seventh mile stones.

SECT. 1. [COMMISSIONERS appointed. Price of shares, 50 dollars. Duty of commissioners. Five dollars per share to be paid on subscribing. 2. Proceedings to obtain a charter. Style, "The President, Managers and Company of the Manchester Turnpike Road." 3. Proceedings to organize the corporation. Officers, president, eight managers, and treasurer, chosen by ballot. Power to make by-laws, &c. To have the same privileges, be subject to the same duties, restrictions and penalties, and entitled to the same tolls, &c. as Lancaster and Susquehanna turnpike company, (vol. 3, p. 191.) No toll to be demanded of any person passing from one part of his farm to another, or from public worship, or attending funerals; militia on days of training, or persons going to or from elections. Road to be commenced in three, and finished in seven years.

Passed 22d March, 1813.—Recorded in Law Book No. XIII. p. 414.

## CHAPTER 3706.

An act to incorporate the district of Spring Garden.

[Sup. ch.  
4064, 4525.]

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of that part of Penn township, in the county of Philadelphia, lying between Vine-street and the middle of Hickory lane, and between the middle of Sixth and the middle of Broad-streets, continued to the said lane, be and they and their successors forever, are hereby constituted a body politic, in fact and in law, by the name of, "The Commissioners of the District of Spring Garden," and by the same name shall have perpetual succession, and they and their successors shall, at all times forever, be able and capable in law, to purchase, have, hold, take, receive, possess and enjoy, lands, tenements, hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, and the same to grant, bargain, sell, alien, convey, mortgage, pledge, charge, and encumber or demise, at their pleasure; and by the name aforesaid, are and forever shall be, able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, in all manner of actions, suits, complaints, pleas, causes, and matters whatsoever, and to do and execute, all and singular, other matters and things, that to them as a body politic, and corporate, in law and in fact, shall and may appertain, and to have and use one common seal, and the same to alter, or make anew at their pleasure, and the powers of the said corporation shall be vested in and conducted by a board of commissioners to be elected as hereinafter directed.

Style.

Powers, &c.

Powers vested in a board of commissioners.

SECT. 2. *And be it further enacted by the authority aforesaid,*

|                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1813.                                                                      | That the inhabitants living within the said described district, who                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Qualification of electors.                                                 | are or shall be qualified agreeably to the constitution and laws of this state, to vote for members to serve in the general assembly, shall meet together at the school house belonging to the Spring Garden                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| First election.                                                            | association, situate within the same, between the hours of ten in the morning and eight in the evening, on the first Monday in May next, and then and there choose by ballot, out of such of the qualified voters residing within the said district, [who shall be freeholders* with- in the same,] in the manner prescribed for choosing members in the house of representatives of this commonwealth, twelve suitable persons to serve as commissioners in and for the said incorporated district; and the four persons who shall have the greatest number of votes, shall be commissioners for three years next following, the four persons who shall have the next greatest number of votes, shall be commissioners for two years next following, and the four persons who shall have the next or third greatest number of votes, shall be commissioners for one year, thence next following; and that on the                                                                                                    |
| Rotation in office.                                                        | first Monday in May, annually thereafter, forever, four persons shall be chosen as aforesaid to serve as commissioners in the said district for the term of three years; <i>Provided</i> , That in all cases wherein the number of votes shall be equal for two or more candidates, the preference shall be decided by lot, to be drawn by one of the judges in the presence of the other judges and inspectors of the election.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Election 1st. Monday in May.                                               | SECT. 3. <i>And be it further enacted by the authority aforesaid</i> , That all elections to be held in pursuance of this act, shall be conducted by two judges and three inspectors, who shall be appointed at the same place where such elections shall be held, within one hour preceding the opening of the same, by the electors then assembled; and each of the judges and inspectors so appointed, shall take an oath or affirmation before some judge or justice of the peace of the said county, before entering on the duties in and by this act enjoined, well and faithfully to discharge the same according to the best of his skill and abilities; and all elections to be held after the first Monday in May next, shall be held at such place as the said commissioners shall appoint, within the said district, of which elections the said commissioners shall give at least ten days previous notice, by hand-bills posted up in at least ten of the most public places within the said district. |
| If equal vote preference to be by lot.                                     | SECT. 4. <i>And be it further enacted by the authority aforesaid</i> , That all elections to be held in pursuance of this act, shall be held and conducted, except as by this act is otherwise directed, in like manner as by the laws of this commonwealth is or shall be directed for holding the general elections for persons to serve in the house of representatives, under and subject to the same rules and penalties; and when each election shall be closed, the judges and inspectors of the same, or a majority of them shall, under their respective hands and seals, certify to the board of commissioners, the names of the commissioners elect, with the number of votes in favour of each, and shall within two days after such election, give notice in writing to each of the commissioners elect of their respective elections.                                                                                                                                                                  |
| Officers of election to be sworn.                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Commissioners to appoint the place of elections, notice is to be given.    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| To be conducted as the general elections.                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Result to be certified to commissioners, notice given to the person elect. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

\* So much of the second section as disqualifies persons not freeholders, from serving as commissioners, repealed, (ch. 4064).

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Place and  
time of first  
meetings.When to pro-  
ceed to trans-  
act business.Commission-  
ers to take an  
oath.To be re-  
moved for  
misbehav-  
iour.Complaints  
to be specific.  
Copy to be  
delivered to  
person  
charged.

Vacancies.

Majority to  
constitute a  
quorum.To serve gra-  
tis.

By-laws.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the commissioners who shall be elected on the first Monday in May next, as aforesaid, shall meet together at the said school-house, between the hours of nine and eleven in the forenoon, on the fourth day after the said election, and after being qualified as hereinafter directed, shall fix upon some place for their future meetings, which may be altered by the said commissioners from time to time as they shall deem the same necessary, and that on the fourth day after every succeeding election the commissioners elected at the time, shall, together with those whose period of service shall not have expired, meet at the place appointed for holding such meeting, and shall, after the said commissioners elect shall be qualified as hereinafter directed, proceed to the business of the said corporation.

SECT. 6. *And be it further enacted by the authority aforesaid,* That each commissioner elected and returned as aforesaid, shall before he enters on the duties of his said office, take an oath or affirmation before some judge or justice of the peace of the county of Philadelphia, well and faithfully to execute the office of a commissioner of the said district, and shall thereupon, without any further or other commission enter upon the duties thereof.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any commissioner of the said district shall misbehave in his said office, or shall neglect to discharge the duties thereof, it shall and may be lawful for any number, not less than eight of the said commissioners, on the petition and complaint in writing of thirty freeholders residing in the said district, to remove in a summary way any such commissioner from his said office: *Provided,* That such petition and complaint shall state all the causes assigned for such removal, and no other causes whatever shall be assigned, heard or enquired into: and that a copy of the said petition and complaint, with a notice of the time and place appointed for hearing and enquiring into the same, shall be served on such commissioner at least ten days before any such hearing or enquiry shall be made.

SECT. 8. *And be it further enacted by the authority aforesaid,* That in case two or more vacancies shall happen by death, resignation, removal or otherwise, the said commissioners shall appoint special elections for supplying such vacancies; and the persons so chosen, shall be commissioners for the remainder of the time that the commissioners in whose places they were elected had been elected for.

SECT. 9. *And be it further enacted by the authority aforesaid,* That a majority of the whole number of the said commissioners shall be a quorum for transacting all business, except for the purchase or sale of real estate, or for mortgaging or incumbering of the same, or for borrowing money as aforesaid, for which purposes the concurrence of eight members shall be necessary, and the said commissioners shall receive no compensation for their services.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to make, ordain and establish, such laws, ordinances and regulations not inconsistent with the constitution and laws of this commonwealth,

1813. as they shall deem necessary for the good order and government of the said district, and the same to alter or annul at their pleasure.
- Q. S. to have jurisdiction, offences within the district, contrary to this act, &c. **SECT. 11.** *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the peace for the county of Philadelphia, shall have, and they are hereby vested with full power and authority, to enquire of, hear, try and determine, all offences which shall be committed within the said incorporated district, contrary to this act, or against any of the laws, ordinances or regulations that shall be made, ordained and established, in pursuance of this act, and punish the offender or offenders as by the said laws, ordinances or regulations, shall be prescribed or directed, except where the fines, penalties or forfeitures shall not exceed the sum of one hundred dollars, which shall be recoverable before any justice of the peace of the said county: *Provided always,* That if any person or persons shall think him, her or themselves aggrieved by any judgment to be given by any justice as aforesaid, it shall and may be lawful for such person or persons at any time within six days next following the date of such judgment, to appeal therefrom to the next court of quarter sessions of the said county, he, she or they first entering into recognizance with at least one sufficient security, in double the amount of such judgment, to prosecute the said appeal with effect, and to abide the order of the court.
- Exceptions. **SECT. 12.** *And be it further enacted by the authority aforesaid,* That no law, ordinance or regulation, of the said commissioners shall go into operation, until the same shall be published in one or more of the public newspapers, published in the said district, or in the city of Philadelphia, and in handbills posted up in not less than ten of the most public places in the district aforesaid, and also recorded in the office of the recorder of deeds for the city and county of Philadelphia, who shall be allowed and paid for recording thereof, at the same rate as is allowed to him for recording other instruments of writing; and that before any of the said laws, ordinances or regulations, shall be recorded as aforesaid, the publication thereof respectively shall be proved by the oath or affirmation of some credible person, which oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time and manner of such publications.
- Appeal. **SECT. 13.** *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to limit the depth and distance from the line of the adjoining neighbour's ground, of all vaults or sinks hereafter to be dug within the said district, for privies or necessities, and if any person or persons shall dig or cause to be dug any such vault or sink, for a privy or necessary, of any greater depth, or nearer the adjoining neighbour's line than shall be limited as aforesaid, every person so offending, and being thereof convicted, shall forfeit and pay the sum of one hundred dollars, to be appropriated towards defraying the contingent expenses of the said corporation; and the said vault or sink shall be filled up at the expense of the owner or owners thereof.
- Restrictions. **SECT. 14.** *And be it further enacted by the authority aforesaid,* That the said commissioners be and they hereby are authorized and
- Laws to be published. **To appoint**
- Recorded. **regulators.**
- Publication to be proven.
- Commissioners powers in certain cases.
- Penalty for disobeying.



enjoined to appoint a sufficient number of skilful persons as regulators of the said incorporated district, and the said regulators or any one or more of them, shall have full power and authority, with or without his or their assistant or assistants, to enter upon the land of any person or persons, for the purpose of regulating and marking the lines or boundaries of any lot or lots of ground required to be regulated; and if any person or persons shall erect any building or buildings adjoining to or upon any street, road, lane, court, or alley, or the line of his, her or their neighbour's ground, without first applying to and having the line or lines thereof regulated and marked as aforesaid, shall deviate therefrom by extending his, her or their building or buildings, beyond any or either of the lines or boundaries marked as aforesaid, unless determined otherwise, on an appeal, every person employed, as well as the owner and master builder, shall severally forfeit and pay the sum of fifty dollars, to be recovered in the same manner as debts of the same amount are now or hereafter may be by law recoverable, one half thereof to be appropriated to the use of the commissioners aforesaid, for the purpose of defraying the contingent expenses of the said corporation, and the other half to the use of the person or persons suing for the same: *Provided*, That the same shall not be recoverable unless prosecuted within one year after the offence be committed: and if any person or persons shall enclose or fence in, any lot or lots of ground without first having the lines or boundaries thereof regulated and marked as aforesaid; or if after having the lines or boundaries regulated and marked as aforesaid, shall deviate therefrom so as to enclose part of his, her or their neighbour's ground, unless so determined on an appeal, every such person, as well the owner as the person or persons making such fence, shall forfeit and pay the sum of twenty dollars, to be recovered and appropriated in the manner hereinbefore directed in respect to buildings: and that the said regulators or some one or more of them shall enter in a book, to be prepared by, and kept at such place as the said commissioners shall provide, and direct all regulations orders or awards by him or them made in pursuance of this act, and all such regulations, orders or awards, if made with reasonable notice to the parties interested, shall be conclusive unless the same be set aside on an appeal: and that all appeals hereafter to be made from the regulation, order or award of the said regulators, or any one or more of them as aforesaid, shall be made and lie to the next Court of Common Pleas, to be holden for the county of Philadelphia, within six days from and next after the time of making such regulation, order or award, appealed from, and upon security being entered by the party appealing for the payment of all costs, in case he, she or they shall not prevail in his, her or their appeal, the said court shall try the matter in dispute by jury according to law: *Provided*, That no person or persons under age, *non compos mentis*, feme covert, imprisoned, or out of the United States, shall be affected by any regulation, order or award as aforesaid, until the expiration of twelve months, notice thereof, in writing, after coming to full age, sound mind, discovery, being at large, or returning into the United States, within

Penalty erecting buildings before application to regulators.

Appropriation of the fines.

Time of bringing suits. Penalty for erecting enclosures without lines being marked, &c.

Regulators to keep a record.

Appeal.

To be tried by jury.

Proviso, in favour of minors, &c.

1813. which period, his her or their appeal may be entered and prosecuted as aforesaid.

Party walls to be on the line.

Regulations as to thickness.

SECT. 15. *And be it further enacted by the authority aforesaid,* That it shall be lawful to place the centre of all party walls hereafter to be erected between party and party, within the said district, on the line of the ground of the parties between whom such party walls shall be erected, provided that such party wall or walls shall not be of a greater or less thickness than shall be necessary for a good substantial dwelling house, of which thickness the said regulators shall judge; and the first builder shall be reimbursed, one moiety of the value of such party wall, or so much thereof as the next builder shall have occasion to make use of before the next builder shall use or break into the said wall or walls, the value thereof to be fixed by any one or more of the said regulators, or by arbitrators mutually chosen.

Commissioners to appoint treasurer, not of their own body.

To render his accounts annually, &c

Commissioners to vote viva voce.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said commissioners be and they hereby are authorised and enjoined to appoint a treasurer of the said corporation, who shall not at the same time be a commissioner, and who before he enters on the duties of his office shall give bond with two sufficient sureties to the said commissioners, in such penalty as they may deem sufficient, conditioned that he will, well and faithfully execute his office under the direction of the said commissioners, and that he will once in every year or oftener, if required, render and settle his accounts with the said commissioners, and that upon his death or the appointment of another treasurer in his room, which the said commissioners are hereby authorized to do whenever they see cause, he, or his executors or administrators, shall settle and adjust all his accounts with the said commissioners, and pay the remaining balance in his hands to his successor in office, charging for his trouble such commissions only as shall have been fixed by the said commissioners at the time of his appointment, and all elections and appointments held and made by the said commissioners, shall be viva voce, and not otherwise.

Part of former act repealed.  
Vol. 2, p. 224.

Exceptions.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the act, entitled, "An act to authorize the inhabitants of the Northern Liberties within a certain described part thereof, to regulate the streets, lanes, and alleys within the same, and for other purposes therein mentioned," passed the seventeenth day of April, one thousand seven hundred and ninety-five, so far as the same respects any part of this incorporated district, be and the same is hereby repealed; but that the survey and regulation so far as the same has been made within the said district in pursuance of the said act hereby repealed, and returned into the office of the clerk of the Court of Quarter Sessions of the county of Philadelphia, shall be and remain fixed and unalterable.

Commissioners to appoint surveyors to lay out streets, &c.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the said commissioners are hereby authorized and required to appoint one or more surveyors, who are hereby enjoined and required, as soon as conveniently may be, to survey and mark the lines of all the streets, roads, lanes, courts and alleys, now opened or intended to be opened for public use, within the said district, which have



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Regulations.

Surveyors to  
make  
draughts &c.One to be  
deposited  
with the  
clerk of Q. S.Notice of the  
time of  
courts hear-  
ing objec-  
tions.Court au-  
thorized to  
alter  
draughts or  
plans, &c.Alterations  
to be recor-  
ded.Court on ap-  
plication may  
direct the  
opening of  
streets, &c.

not been surveyed and returned as aforesaid, and also to survey and lay out such other new streets, roads, lanes, courts and alleys, and common sewers within the said districts as he or they shall deem necessary for a regular and convenient town plan and for the more equal distribution and ready discharge of the waters thereof, and to regulate the height of the streets and gutters, and the width of the foot-ways thereof, and for that purpose the said surveyor or surveyors, shall have full power and authority, with or without his or their assistant or assistants, to enter upon the land of any person or persons within the said district; and when the said survey and regulation shall be completed, the said surveyor or surveyors shall make or cause to be made two draughts or plans thereof, with every explanation necessary for a full understanding of the same, and one of the said draughts or plans shall be returned to the said commissioners who shall keep the same in such place as they shall fix upon, and the other of the said draughts or plans shall be returned to the clerk of the Court of Quarter Sessions of the county of Philadelphia, to be filed in his office for public inspection and examination: and it shall be the duty of the said commissioners to give at least thirty days previous notice in at least two of the public newspapers published in the city of Philadelphia, and by hand-bills posted up in at least ten of the most public places in the said district, that on a certain day to be appointed by the court, the said court will hear any objections that may be made thereto by any freeholder of the said district, and where the said draughts or plans are deposited for inspection. And the said court shall at the time appointed, adjudge and determine whether any and what alteration shall be made therein, and shall direct the said draught or plan with such alterations as shall be made, to be recorded in the office for recording of deeds for the city and county of Philadelphia; and thenceforth all the streets, roads, lanes, courts and alleys, shall be forever deemed, adjudged and taken, public highways; and the survey and regulations so returned and recorded shall be and remain unalterable: and inasmuch as the public convenience will be for the present answered by the certain knowledge where and in what manner such streets, roads, lanes, courts and alleys, will in future run, but as it may not be necessary immediately to lay all of them open, and in order to provide for the opening of the same from time to time, as the increasing improvement of the district may require, it shall and may be lawful for any number of freeholders of the said district, not less than seven, whose lands lie near or adjoining to such street, road, lane, court or alley, to apply by petition to the Court of Quarter Sessions of the county of Philadelphia, who, after hearing the petitioners and such other freeholders through whose lands such street, road, lane, court or alley may pass, as shall offer objections thereto, to determine whether it be proper at the time, to direct the opening of the same, and if the court shall be of opinion, that the state of improvement in the neighborhood is such, as to require the opening thereof, they shall issue their warrant, directed to the superintendant of the streets, roads, lanes, &c. in the said district, enjoining and requiring him to open such street, road, lane, court or alley, according to the plan or draught of the same: *Provided always*, That no such street, road, lane, court or alley, so laid out, shall be opened and

1813. appropriated to public use until the owner or owners of the ground through and over which the same may pass, shall have been compensated for any damage, he or they may sustain thereby, which compensation shall be ascertained and paid agreeable to the provisions of an act, entitled, A supplement to the act, entitled, "An act for laying out and keeping in repair the public highways within this commonwealth, and for laying out private roads passed the third day of April, one thousand eight hundred and four.\*
- Compensation for damages. Vol. 4 p. 198. *SECT. 19. And be it further enacted by the authority aforesaid,* That the said commissioners shall, when ever required as the said survey and regulation shall progress, draw orders on their treasurer for the pay and incidental expenses of the said surveyor or surveyors, who is hereby enjoined and required to pay the amount of such order or orders out of the first money in his hands arising from their general corporation tax.
- Commissioners to draw warrants for incidental expenses, &c. *SECT. 20. And be it further enacted by the authority aforesaid,* That the said commissioners shall take under their charge and care, the highways within the said district, and open and keep the same in repair in the same manner as the supervisors of the public roads and highways within the several townships in this commonwealth, and for that purpose shall have the same power and authority, and be under and subject to the same penalties as the said supervisors and also to keep in repair all pumps erected, and which may hereafter be erected in the public highways within the said district, by the inhabitants thereof.
- Roads and pumps to be kept in repair. *SECT. 21. And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority, and they are hereby directed upon the application of a majority of the freeholders holding property on any street, road, lane, court or alley, surveyed and regulated as aforesaid, within the said district, to pitch and pave the cart-ways thereof, agreeably to the said regulation : *Provided,* That not more than two squares shall be included in any one application ; and to tax the owners of the lots of ground bounding thereon, to defray the expenses thereof in proportion to the extent of their respective fronts therein.
- Pitching and paving the streets, &c. *SECT. 22. And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to pave, or cause to be paved agreeably to the regulations made and to be made, and established as aforesaid, the foot ways and gutters within the said district, when and in such manner as they may direct ; and shall assess the freeholders in front of whose ground such foot-ways and gutters shall be paved, and for keeping the same in repair in front of their respective lots ; but every owner of property shall have the privilege of paving the foot-way and gutter in front of his or her own property, so that the same shall be completed within thirty days after being notified by the said commissioners so to do ; and also to cause the said district, or such part or parts thereof as they may from time to time think proper to be lighted and watched, in such manner as they may direct, and to assess the inhabitants and estates within the part or parts so lighted and watched, agreeable to the county rates and levies for the expenses of such
- Proviso. *Footways, gutters &c.* *Owners of property may pave foot ways &c. in front of their property.* *Power of commissioners to lighting and watching &c.*

\* Additional powers vested in the surveyors appointed by this section, (ch. 4064.)

lighting and watching; and to appoint all officers and other persons, under such qualifications and securities as they may think proper, and fix their compensations, and to do all other acts, and pass all by-laws, orders and regulations, for the good order and government of the said district, not inconsistent with the laws and constitution of this commonwealth. 1813.  
Appoint officers, &c.  
By-laws.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have full power and authority to lay annually any tax not exceeding one per cent. on the value, agreeably to the county assessment, of all the real and personal estates within the said district, and also on all persons residing within the same, and their occupations to be applied to the purposes of defraying the expenses of the general survey and regulation aforesaid, of opening and repairing the public highways, and paving the intersections thereof, keeping the public pumps in repair and all other expenses not herein before provided for, necessary for carrying this act into execution; and to have the like power to collect the same and the other taxes herein before mentioned, as is exercised in collecting the county tax within this commonwealth, and all taxes when collected shall be paid to the treasurer for the use of the said corporation. May lay a tax of one per cent.  
How to be applied.  
Collection.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the said commissioners shall cause all accounts of receipts and expenditures of money, to be published up to the thirty-first day of December inclusive, in each and every year, within three months thereafter, and the vouchers may be viewed at any reasonable hours, by any taxable inhabitant residing within the bounds of the corporation who may demand the inspection thereof; and the said commissioners shall also keep regular minutes of their proceedings, which may be examined by like persons and like times as the accounts aforesaid: *Provided,* That no inspection thereof shall be permitted until three months after making such minutes respectively, unless six commissioners, the names of whom shall be entered on the minutes, consent thereto. Accounts to be published annually.  
To keep minutes of their proceedings, open to inspection.  
Proviso.

SECT. 25. *And be it further enacted by the authority aforesaid,* That no misnomer of the said corporation, *provided,* the intent of the party or parties sufficiently appear, shall defeat or annul any act or intention of such party or parties; nor shall any non-user or neglect of the rights, liberties, privileges jurisdictions and authorities, hereby granted to the said corporation or any of them, create or cause a forfeiture thereof. Misnomer not to defeat a bequest.  
Or non-user work a forfeiture.

SECT. 26. *And be it further enacted by the authority aforesaid,* That any inhabitant of the said district, if otherwise qualified, may be a witness in all controversies arising under this act. Inhabitant may be a witness.

SECT. 27. *And be it further enacted by the authority aforesaid,* That so much of any act or acts of assembly as are hereby altered or supplied, be and the same are hereby repealed, so far as respects this district, saving the right of collection of any taxes heretofore laid and uncollected, under any such act or acts. Parts of former acts repealed.

Passed 22d March, 1813.—Recorded in Law Book No. XIII. p. 449.

NOTE.—The real estate within the district, subjected to a lien for debts contracted in pitching, curbing, paving &c. and the commissioners authorized to collect such debts as the county rates— (ch. 4525.)

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Superintendent of police to be vested in the same powers and receive same fees as constables, (ch. 4525.)

The electors of Spring Garden to choose two persons as constables, one of whom to be appointed by the Court of Q. S. In

case of refusal to serve vacancy by dismission or otherwise, court to appoint another. Person elected or appointed to give same security, and be subject to the same penalties as the constables of the Northern Liberties, (ch. 4664.)

## CHAPTER 3707.

An act erecting part of Northumberland county into a separate county, to be called Columbia.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first Monday in September next, all that part of Northumberland county lying within the following boundaries, to wit: Beginning at the nine mile tree on the bank of the northeast branch of the Susquehanna, and from thence by the line of Point township, to the line of Chilisquaque township; thence by the line of Chilisquaque and Point townships, to the west branch of the river Susquehanna; thence up the same to the line of Lycoming county; thence by the line of Lycoming county to the line of Luzerne county; thence by the same, to the line of Schuylkill county; thence along the same, to the south-west corner of Cattawissa township; thence by the line of Cattawissa and Shamoking townships, to the river Susquehanna; and thence down said river to the place of beginning, shall be and the same is hereby, according to the present lines, declared to be erected into a county, to be called Columbia.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Columbia after the first Monday in September next be entitled to, and shall have all and singular the courts, jurisdictions, offices, rights and privileges, to which the inhabitants of other counties of this state are entitled, by the constitution and laws of this commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the first Monday of March, one thousand eight hundred and fourteen, the several courts in and for the said county of Columbia, shall be opened and held at such house as is hereinafter provided for in the said county of Columbia, until a court house shall be erected in and for said county as herein after directed, and shall be then held at said court house.

SECT. 4. *And be it further enacted by the authority aforesaid,* That no suit or prosecution which has been heretofore commenced, or which shall be commenced in the courts of the county of Northumberland, before the first Monday of March, one thousand eight hundred and fourteen, shall be delayed, discontinued or effected by this act, but the same shall be proceeded in and carried into complete execution as if this act had not been passed.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all taxes or arrears of taxes laid, or which have become due within the said county of Columbia, before the passing of this act, and all sums of money due to this commonwealth for militia fines in the said county of Columbia, shall be collected and recovered as if this act had not been passed.

SECT. 6. *And be it further enacted by the authority aforesaid,*

[Sup's. &c.  
ch 3807,  
3984, 4025,  
4030, 4103,  
4136, 4271,  
4520.]

Boundaries.

Name.

To be organized after the first Monday in September next.

After first Monday of March, 1814, where courts are to be held.

Suits before commenced in Northumberland not to be affected.

Taxes and militia fines.

That the sheriff, treasurer, prothonotary, and all such such officers as have heretofore usually given surety for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Columbia, before they or any of them shall enter on the execution thereof, shall give sufficient security in the same manner and form, and for the same uses, trusts, and purposes, as such officers for the time being are obliged by law to do in the county of Northumberland. 1813.

SECT. 7. [Obsolete.]

SECT. 8. [Supplied ch. 4065.]\*

SECT. 9. *And be it further enacted by the authority aforesaid,* That the governor be and he is hereby authorized and required, on or before the first day of May next ensuing, to appoint three discreet and disinterested persons not resident in the counties of Northumberland, Union, or Columbia, whose duty it shall be, after being sworn or affirmed before some judge or justice of the peace, to fix upon a proper and convenient site for a court-house, prison and county offices within the aforesaid county of Columbia, as near the centre as the situation thereof will admit, and the said persons or a majority of them having viewed the relative advantages of the several situations, contemplated by the people, shall on or before the first day of July next, by a written report under their hands or under the hands of a majority of them, certify, describe and limit the site or lot of land which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the governor of this commonwealth, and the persons so as aforesaid, shall receive three dollars per day for their services, out of the monies raised in pursuance of this act. Officers to give the usual securities. Governor to appoint commissioners to fix on a site for public buildings. Report to him. Their compensation.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the county of Columbia, who shall be elected at the next annual election, to take assurance to them and their successors in office, of such lot or piece of ground as shall have been approved of by the persons appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court-house, jail and offices for the safe-keeping of the records, and that for defraying the expences thereof, the county commissioners are hereby authorized to assess, levy and collect in the manner directed by the acts for raising county rates and levies, a sufficient sum to defray the expenses thereof; and the commissioners of the said county are hereby required to procure a suitable house as near the aforesaid lot or piece of ground as conveniently may be, in which house the several courts authorized by this act shall be held until a court-house shall be built. County commissioners to take assurances for land approved as a site for buildings &c. To levy a tax for the expenses of buildings.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said county of Columbia shall form part of the district composed of the counties of Northumberland, Union, Lycoming, Luzerne, Bradford, Potter, Susquehanna and Tioga, for the election of members of congress. Congressional district.

SECT. 12. *And be further enacted by the authority aforesaid,* That the judges of the supreme court shall have like powers, jurisdiction of supreme court.

\*Until next enumeration and apportionment Northumberland, Columbia, Union, Luzerne and Susquehanna formed into a district to elect two senators. Columbia to elect one representative, [ch. 4065.]

1813.

risdictions and authorities within the said county of Columbia, as by law they are vested with, and entitled to have and exercise in other counties of this state, and the said county is hereby annexed to the middle district of the supreme court.

Two associate judges to be appointed.

Terms of court.

Attached to 8th judicial district.

Certioraries and appeals to be proceeded on as heretofore.

Teste day.

Return judges of election to meet 3d Monday in October.

Duties, &c.

SECT. 13. *And be it further enacted by the authority aforesaid,* That two persons shall be commissioned judges of the Court of Common Pleas, in and for the said county of Columbia, and the Courts of common Pleas and Quarter Sessions of the Peace in and for said district, shall commence and be holden in the following manner, viz. for the county of Columbia, on the first Mondays in January, April, August and November: in Northumberland, on the second Mondays after the commencement of the courts in Columbia; in Lycoming, on the second Mondays after the commencement of the courts in Northumberland; in Union, on the second Mondays after the commencement of the courts in Lycoming; any thing in the act, entitled, An act erecting part of Northumberland county into a separate county, to be called Union, to the contrary notwithstanding; and the said county of Columbia shall be and is hereby declared to belong to the eighth district, consisting of the counties of Northumberland, Union and Lycoming.

SECT. 14. *And be it further enacted by the authority aforesaid,* That all certioraries of, and appeals from the judgment of any justice of the peace of the said county of Columbia, and all criminal prosecutions which may originate in the said county before the teste day hereinafter mentioned, shall be proceeded in as heretofore in the courts of common pleas and quarter sessions of the county of Northumberland; and all process to issue from the courts of the said county of Columbia returnable to the first term in said county, shall bear teste the first Monday in March, one thousand eight hundred and fourteen.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the judges of the district elections within each of the said counties, after having formed the returns of the whole election for senators and representatives as the case may be, within that county, in such manner as is or may be directed by law, shall on the third Tuesday in October in each year, send the same by one or more of their number to the court-house in the borough of Sunbury, in the county of Northumberland, when and where the judges so met shall cast up the several county returns, and execute under their respective hands and seals as many returns for the whole district as may be requisite, and also transmit the same as is by law required of the return judges in other districts.

SECT. 16. [Expired.]

SECT. 17. [Expired.]

16 and 17 sections continued for 3 years or until buildings erected. Prisoners in Northumberland to be removed to Columbia.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the sixteenth and seventeenth sections of this act shall be and continue in force for the term of three years, or until a jail shall be erected and built for the county of Columbia and approved by the court, and grand jury of the county aforesaid, who shall enter their approbation signed by them, on the record of said court, and from thenceforth it shall be lawful for the sheriff of Columbia county to receive all and every person or persons, who may then

be confined in the jail of Northumberland county on legal process, issued by proper authority, from Columbia county and convey them to the jail of Columbia county, and to keep them in custody until they shall be discharged by due course of law.

Passed 22d March, 1813 —Recorded in Law Book No. XIII. p. 468.

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NOTE.—Turbit and Chillisq. townships annexed to Northumberland arrears of taxes, militia fines to be collected as if this act had not been passed. County officers to proceed to finish business commenced. That part of Turbit whose inhabitants elect at Washington to elect at Milton and be attached to the 8th elective district, (ch. 4025.)

Part of same townships annexed to Columbia, taxes, militia fines, &c. due to be collected as if this act had not been passed, and officers to proceed to finish business commenced. Inha-

bitants of that part of Turbit annexed by this act to Columbia to elect at Washington and of Chillisquaque at house of William Dale, (ch. 4136.)

Commissioners appointed to run the lines between Columbia and Luzerne, (ch. 4030.)

Parts of Columbia annexed to Schuylkill, (ch. 4520.)

Columbia to be divided into eight districts for the appointment of Justices of the peace, (ch. 3868.) See Cons. Penn. Art. 5, Sect. 10.

See ch. 3708, 3807, and notes thereto.

## CHAPTER 3708

An act erecting part of Northumberland county into a separate county, to be called Union.

[Sup. &amp;c. ch.

3984 4066

4074 4103

4299 4699

4842 4905.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all that part of Northumberland county, lying on the west side of the river Susquehanna and the west branch of the same, be and hereby is erected into a separate county, henceforth to be known and called by the name of Union.

Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Union, from and after the first day of November next, be entitled to and at all times thereafter shall have all and singular the courts, jurisdictions, offices, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this commonwealth.

After the first day of November to enjoy all the privileges of a county.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the third Monday of December next, the Courts of Common Pleas and General Quarter Sessions in and for the said county of Union, shall be opened and held at such house as may be designed by the commissioners of said county, to be elected at the next general election in the town of Mifflinburg, in the county of Union, until a court house shall be erected in and for said county, as hereinafter directed, and shall be then held at said court house.

When and where the courts are to be held.

SECT. 4. *And be it further enacted by the authority aforesaid,* That no suit or prosecution which has been heretofore commenced or which shall be commenced in the courts of the county of Northumberland before the third Monday of December next, shall be delayed, discontinued, or affected by this act, but the same shall be completed and carried into execution by the sheriff and coronor of Northumberland county, as if this act had not been passed.

Suits commenced not to be affected.



1813.

Taxes and militia fines to be collected as if this act had not been passed.

Officers to give bonds, &c.

Governor to appoint commissioners to fix upon a site for public buildings

To report in form.

Their compensation.

Oath.

County commissioners to take assurances of land.

To lay a tax, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all taxes or arrears of taxes, laid, or which have become due within the said county of Union before the passing of this act, and all sums of money due to this commonwealth for militia fines in the said county of Union, shall be collected and recovered as if this act had not been passed.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the sheriff, treasurer, prothonotary, and all such officers as are by law required to give surety for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Union, before they or any of them shall enter on the execution thereof, shall give sufficient security in the same manner and form and for the same uses, trusts and purposes, as such officers for the time being are obliged by law to do in the county of Northumberland.

SECT. 7. [Obsolete.]

SECT. 8. [Supplied ch. 4065.]\*

SECT. 9. *And be it further enacted by the authority aforesaid,* That the governor be and he is hereby authorized and required, on or before the first day of May next ensuing, to appoint three discreet and disinterested persons not resident in the county of Northumberland or Union, whose duty it shall be to fix upon a proper and convenient site for a court house, prison, and county offices within the aforesaid county of Union, as near the centre thereof as circumstances will admit, having regard to territory, population, and the accommodation of the people of said county generally; and said persons or a majority of them, having viewed the relative advantages of the several situations contemplated by the people, shall on or before the first day of July next, by a written report under their hands, or under the hands of a majority of them certify, describe and limit the site or lot of land which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the governor of this commonwealth; and the persons so as aforesaid appointed, shall each receive three dollars per diem for their services, out of the monies to be raised in pursuance of this act: *Provided, always,* that before the commissioners shall proceed to perform the duties enjoined on them by this act, they shall take an oath or affirmation before some judge or justice of the peace, well and truly and with fidelity, to perform said duties without favour to any person, according to the true intent and meaning of this act.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the county of Union who shall be elected at the next annual election, to take assurance, to them and their successors in office, of such lot or piece of ground as shall have been approved of by the persons appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, jail and offices for the safe keeping of the records, and the county commissioners are hereby authorized to assess, levy and collect, in the manner directed by the acts for rais-

\* Until next enumeration and apportionment, Northumberland, Columbia, Union, Luzerne and Susquehanna formed into a district to elect two senators. Return judges to meet at the house of John Brown, in Berwick. Columbia entitled to elect one representative, [ch 4065.]



ing county rates and levies, a sufficient sum to defray the expenses thereof. 1813.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said county of Union shall form part of the district composed of the counties of Northumberland, Lycoming, Luzerne, Bradford, Susquehanna, Tioga and Potter, for the election of members of congress. Congressional district.

SECT. 12. *And be further enacted by the authority aforesaid,* That the judges of the Supreme Court shall have like powers, jurisdictions and authorities, within the said county of Union as by law they are vested with and entitled to have and exercise in other counties of this state; and the said county is hereby annexed to the middle district of the Supreme Court. Jurisdiction of Supreme Court extended. Annexed to middle district.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the Courts of Common Pleas and General Quarter Sessions of the peace, to be holden in and for the said county of Union, shall be opened on the Mondays preceding the courts of Lycoming county; and the said county of Union shall be and is hereby declared to belong to the eighth district consisting of the counties of Lycoming and Northumberland. Time of holding county courts. Attached to 8th district.

SECT. 14. *And be it further enacted by the authority aforesaid,* That all certioraries directed to, and appeals from the judgment of any justice of the peace of the said county of Union, and all criminal prosecutions which may originate in the said county before the teste day hereinafter mentioned, shall be proceeded in as heretofore, in the courts of common pleas and quarter sessions of the county of Northumberland, and all process to issue from the courts of the said county of Union, returnable to the first term in said county, shall bear teste as of the first Monday in November next. Certioraries and appeals originating before 1st Monday in November to be proceeded in as heretofore. Teste day.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the judges of the district elections within each of the said counties of Northumberland and Union, after having formed the returns of the whole election for senators and representatives, as the case may be, within that county in such manner as is or may be directed by law, shall, on the third Tuesday in October in each year, send the same by one or more of their number to the court house in the borough of Sunbury, in the county of Northumberland, when and where the judges so met, shall cast up the several county returns, and execute under their respective hands and seals as many returns for the whole district as may be requisite, and also transmit the same as is by law required of the return judges in other districts. Place of meeting of return judges. Their duties.

SECT. 16. [Expired.]

SECT. 17. [Expired.]

SECT. 18. *And be it further enacted by the authority aforesaid,* That the sixteenth and seventeenth sections of this act, shall be and continue in force for the term of three years, or until the commissioners of Union county shall have certified to the sheriff that a jail is erected and ready for reception of prisoners, and approved of by the court and grand jury, who shall enter their approbation, signed by them on the record of said court; and from thenceforth it shall be lawful for the sheriff of Union county to receive all and every person or persons, who may then be confined in the jail of 16th and 17th sections continued in force until suitable public buildings erected. Prisoners to be removed

1813. Northumberland county, and convey them to the jail of Union county and to keep them in custody until they shall be discharged by due course of law. (q)

Passed 22d March, 1815.—Recorded in Law Book No XIII. p. 476.

(q) Suits commenced in Northumberland, before 1st January 1814, not to be affected by this supplement (ch. 3807) or by the original act (ch. 3708).

Certioraries appeals and criminal proceedings originating before 1st Monday of January 1814, in Columbia to be proceeded in as heretofore (*ib.*)

Union divided into six districts for the appointment of justices of the peace, ch. 3868—See also Cons. Art 5, Sect. 10.

Suits depending in Northumberland on the 1st October 1814, where defendant resides in Union, to be transferred. Fees due to the officers of the former to be paid to them. Docket to be procured—official acts of officers of Union county confirmed, ch. (3984.)

The courts of Union county to be held at New Berlin, and county officers to remove thither, (ch. 4066.)

Washington township, Union county annexed to Lycoming, (ch. 4074.)

All suits where cause of action arose or defendants reside in Union or Columbia to be removed agreeably to the provisions of the act ch. 3984, and cases depending in Northumberland on the 1st of October 1814, where all the defendants resided out of Northumberland, but some in Columbia and some in Union the causes to be transferred to the county in which a majority of the defendants then resided; if the number in each county be equal, then to the county where the first named defendant, or when a part of the defendants have removed from Union or Columbia, and the other have remained, the suit to be transferred

as if the defendant who removed had never been a party, ch. (4103.)

Suits removed from Northumberland to Columbia where defendants reside or cause of action arose in Turbet or Chillisquaque shall after 1st of May 1815, be considered as depending in Northumberland. All papers relating to same and docket or docket entries to be delivered to Prothonotary of Northumberland, (ch. 4103.)

All suits in Columbia where defendants resides or cause of action arose in Turbet or Chillisquaque in which final judgment have been entered and execution issued in Columbia before 1st of May, 1815, to be considered as depending in Columbia since 1st of May 1815 for every purpose as if the act (ch. 3984) had not been passed, in such suits process may issue from Columbia necessary to carry judgment's entered thereon with effect. Sheriffs duties and powers same as on similar process in Columbia. Prothonotary of Northumberland to redeliver all papers in said suits. No suit depending or commenced in Northumberland before 1st May, 1816, to be affected by act, ch. 4156, (see ch. 4271.)

Commissioners of Union authorized to sell a part of a lot in New Berlin, (ch. 4299.)

Part of Mifflin annexed to Union and usual provision as to suits, taxes, &c. ch. 4698 By a supplement (ch. 4842.)

The division line between Mifflin and Union to be run.

Commissioners appointed to run the line of Centre and Union counties, (ch. 4905.)

## CHAPTER 3713.

An act incorporating the trustees of Franklin school.

SECT. 1. [INCORPORATED by the style of "The Trustees of Franklin school." 2. Nine Trustees to be elected by part owners or subscribers. First Trustees named. 3. Property to be vested in them and their successors for the school and for no other purpose. May receive gifts, devises, &c. 4. May make by-laws, &c. not inconsistent with the constitution and laws of the United States, or of this commonwealth and to do all other acts relating to the management of the school.]

Passed 22d March, 1815.—Recorded in Law Book No XIII. p. 488.

An act providing that the poor of the county of Berks, shall be maintained at the expense of the said county.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the twenty-fifth day of March next, the poor of the borough of Reading in the county of Berks, and of the several townships of the said county, shall be maintained at the expense of the said county, and all the charges and expenses whatsoever which shall be incurred by the borough and several townships aforesaid, on account of the poor shall be paid out of the county stock. To be a county charge.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That overseers of the poor for the borough, and several townships aforesaid, shall be chosen, and their duties shall in all respects be as heretofore, except the laying of rates or assessments and such other duties as will be inconsistent with the provision contained in the first section of this act. Overseers to be chosen and duties as heretofore.

SECT. 3. *And be it further enacted, by the authority aforesaid,* That it shall be the duty of the commissioners of the said county, in making an estimate of the probable expense of the said county, for the ensuing and every subsequent year, to take into their view the probable expense of the poor aforesaid and to provide for the defraying of it; and the overseers of the poor of the borough and townships aforesaid in which there shall be poor persons actually chargeable, shall receive from the treasurer of the county aforesaid, such sums of money as shall be necessary to defray the expense of maintaining them; and to enable such overseers to receive such sums of money from the treasurer, they shall obtain from a justice of the peace of the same township, or if there be no justice of the peace in the same township, from a justice of an adjoining township, a certificate that a certain sum of money is necessary either to provide for the poor or to pay expenses already incurred, upon which certificate the said treasurer is hereby authorized and required to pay the sum therein mentioned to the said overseers. County commissioners to estimate probable expense of maintaining poor, and provide the same. Overseers to receive from the county treasurer, necessary sums for support of poor. Treasurer to pay.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the accounts of the overseers of the poor shall be settled as heretofore, and after settlement copies thereof shall be transmitted to the treasurer aforesaid; and the said overseers shall pay to their successors, all monies remaining in their hands, and deliver over to them all books, papers and accounts, in manner, and under the same penalty for neglect as is provided by the laws now in force; and if the overseers of the borough aforesaid, or of any of the said townships, shall neglect or refuse to procure a certified copy of the settlement aforesaid, to be sent to the treasurer, he or they shall forfeit and pay the sum of twenty dollars, to be recovered in the name of the said treasurer for the use of the county, as debts of the same amount are recoverable. Accounts to be settled as heretofore and copies transmitted to treasurer. Overseers to pay the balances and deliver books, papers, &c. to his successor. Penalty on overseers of the borough for neglect.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person be entitled to relief or maintenance in the said borough, or in any of the townships of the county aforesaid, Poor to be provided for, where resident.

1813. such person shall be taken care of by the overseers of the borough or township, where he or she shall reside when he or she shall become chargeable; and the justice of the peace of the county aforesaid, shall continue to do and perform all the acts, matters and things respecting the poor, as heretofore by law required.

Duties of justices of the peace.

Taxes due to be collected.

Pauper dying, property to be delivered to the county treasurer.

Application.

Treasurer to give notice of the death of pauper and property in his hands.

To pay balance to heirs.

Parts of former acts repealed.

SECT. 6. *And be it further enacted by the authority aforesaid* That the overseers of the borough and several townships aforesaid, may collect such rates or assessments as have been already made, and shall apply the money as heretofore.

SECT. 7. *And be further enacted by the authority aforesaid,* That if upon the death of any pauper in the borough of Reading, or in any of the townships within the county of Berks, it should appear that such poor person died possessed of property, the same shall be recovered and collected by the overseers of the poor of the borough of Reading, or the townships within the said county, (as the case may be,) wherein the pauper has become chargeable, and pay the amount recovered into the county treasury, which sum or sums so recovered, shall be applied towards the support of the poor of said county: *Provided always,* That it shall be the duty of the treasurer of the county, to give public notice in at least two newspapers within said county, for at least four weeks, of the death of such person, and the property in his hands, and to pay over the same, first deducting therefrom all the expenses incurred on account of such person, to his or her heirs or legal representatives: *Provided also,* The same shall be claimed within three years after the death of such person.

SECT. 8. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth relating to the poor of the county of Berks, as is by this act altered or supplied, be and the same is hereby repealed.\*

Passed 22d March, 1813—Recorded in Law Book No. XIII. p. 490.

NOTE. For a general reference to the Poor laws vol. 1. p. 346 in notes. See also index, vol. 5. title poor.

## CHAPTER 3715.

An act confirming titles issued to and authorizing the sale of certain lands lying within the depreciation districts, north and west of the Ohio and Allegheny rivers.

Secretary of land office to issue warrants and patents to settlers.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the secretary of the land office is hereby authorized and required, to issue warrants and patents to all actual settlers or their representatives, who have heretofore or shall hereafter settle on any of the depreciation land, north and west of the rivers Ohio and Allegheny, which were surveyed into tracts and remained unsold, or the sales whereof have not been confirmed by the supreme executive council, agreeably to an act of the general assembly of this commonwealth, passed the twelfth of March, one thousand seven hundred and eighty-three, and not otherwise reserved and appropriated by law, in the same manner and on the said conditions that titles are

issued to other actual settlers, for lands on the same side of said rivers, excepting those parts of said land that have been surveyed on warrants or for which warrants descriptive of the land on which they were located have been entered with the deputy surveyor of the district previous to such settlement.

1813.

Lands unsettled and unappropriated offered for sale.

Warrants and patents issued to be valid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all warrants and patents which have been heretofore issued on an actual settlement and residence, for any of the aforesaid land, shall be as good and sufficient to vest a title in such actual settlers, or their legal representatives, as though the same had been done under the authority of a law of the state.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in all cases where any warrant (except a warrant of acceptance,) may have been issued for any of the aforesaid land, and a survey was made thereon, and subsequent and adverse to such warrantees claim, an actual settlement and residence has been made upon such tract, and where the actual settler or his representative and the warrantee, or his representative shall within two years after the passing of this act, make an agreement agreeably to the second and subsequent sections of an act passed the twentieth day of March, one thousand eight hundred and eleven, for compromising certain disputed cases; and where such agreement shall be recorded accordingly, a title shall then be completed according to said act: *Provided always,* That nothing in this act contained, shall be so construed as to make the state liable to refund any money in consequence of any compromise which may take place between any actual settler or warrant holder, under the provisions of this act.

Compromising adverse claims.

Vol. 5 p. 206, see ch 3831, 4250, 4620, 4795.

State not liable to refund in case of compromise.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in all cases where an actual settler has adverse to the original warrantee, taken possession of a tract of land, north and west of the rivers Ohio and Allegheny, and Conewango creek, which had been surveyed on an original warrant; and has made such actual settlement, residence and improvements, as are described in the ninth section of the act, entitled, "An act for the sale of vacant land within this commonwealth," and an agreement or compromise hath taken place between such actual settler or his legal representative, and the original warrantee, or his legal representative, prior to the passing of the act, entitled, "An act providing for the settlement of certain disputed titles to land north and west of the rivers Ohio and Allegheny, and Conewango creek," passed March twentieth, one thousand eight hundred and eleven, the evidence whereof hath been, or shall be proved or acknowledged, and recorded in the proper county, that in such case the commonwealth shall cease to have any further claim to said tract, and the title to the same shall be confirmed to such warrantee and settler, or their legal representatives accordingly: *Provided always,* That it is not intended by the provisions of this section, to recognise any agreement or compromise, where a less quantity than one hundred and fifty acres clear of expense, has been agreed upon, to be granted to the settler, excepting in cases where the warrantee furnished the settler with money, provisions or other articles, to enable said settler to improve, and settle such tract of land, in which cases the title shall be confirmed to the

When compromises have been made, commonwealth to waive its claim.

Vol. 3, p. 70.

Vol. 5, p. 205.

Agreement not to be recognized unless 150 acres has been allowed to settler.

Exceptions.

1813. parties, where not less than fifty acres has been agreed upon to be given to the settler clear of expense, together with the articles so furnished.

Passed 22d March, 1813.—Recorded in Law Book No XIII. p. 492.

NOTE.—Such parts of the act 20th March 1811, vol. 5, p. 206, as had expired, revived and reenacted, and all agreements made within two years from 1st April, 1814, in conformity thereto, for any of the said lands, declared to be as valid as if made within the time specified by the said act, ch. 3831.

The act of 20th March, 1811, revived from time to time from 1st April 1816 to 1st April 1822, see ch. 4250, 4620, 4795.

No warrant holder for lands, north and west of the river Ohio, &c. to recover against a settler, unless he proves actual prevention within two years from the date of the warrant by enemies of the U. S. and that he did persist during two

years from the date of the warrant, to settle or improve as required by the act of 1792, vol. 3, p. 70 and 1785, vol. 2 p. 317. In case of a tender of a conveyance within two years from 1st April, 1814, of 150 acres, agreeably to the act vol. 5, p. 206, and refused by the settler, he shall receive no benefit from this act, ch. 3876.

When hereafter patents issue for lands north and west of the Ohio, &c. the person receiving the same shall only be required to pay interest on the principal sum from the expiration of 5 years from the date of the improvement, ch. 4287.

For notes and further references, see ch. 4795.

## CHAPTER 3716.

An act establishing an Academy in the town of Athens, in Bradford County, and granting a sum of money thereto.

SECT. 1. [ACADEMY established by the stile of the corporation of "The Trustees of the Athens Academy." 2. Six Trustees to be a quorum for making bye-laws, electing teachers, &c. 3. By-laws and proceedings to be entered in a book, &c. No misnomer to vitiate a grant or devise to the corporation, if the intention be clear.—Nonuser not to work a forfeiture. 4. 2000 Dollars granted. All claims to the building to be first released. Poor children not exceeding 5, to be taught gratis.]

Passed March 22d, 1813.—Recorded in Law Book No. XIII. p. 495.

## CHAPTER 3718.

[See vol. 5, p. 36—see also ch. 3793, 3913, 4597, 5026, 5056] An Act laying a Tax on Dogs in the counties of Washington and Fayette, and for other purposes.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the commissioners of the counties of Washington and Fayette, and they are hereby required to cause an accurate return to be taken annually, by the assessors of the several townships within the said counties, of all dogs upwards of three months old, owned or possessed by any person or persons within their respective townships, particularly noting the number owned or possessed by each person, and kept about the same house, and when the said commissioners shall have ascertained the number of dogs, they shall, after excluding one dog, levy and cause to be collected from every person or persons, owning or possessing a second dog, kept about the same house, one dollar, and for every additional dog two dollars, by the collectors of the several townships, at the same

Tax.

Collectors  
duties and  
compensation.

time and in the same manner the county rates and levies are collected, for which the said collector shall be allowed five per centum out of the money so collected; and it shall be the duty of the county treasurers to keep separate accounts of the money arising from the tax on dogs, and the said money shall be and hereby is appropriated as a fund for remunerating the inhabitants of each of the said counties, for any loss they may sustain after the passing of this act, by sheep being destroyed by a dog or dogs, or shall have sustained the loss of any horse, cattle or swine, by the bite of a mad dog.

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Tax appropriated.

SECT. 2. *And be it further enacted by the authority aforesaid,*

That when any inhabitant of the counties aforesaid shall have any sheep destroyed by a dog or dogs, or have lost any horse, cattle or swine, by the bite of a mad dog, he or she may apply to the appraisers appointed by this act, and they or any two of them, are hereby authorized and required to view and ascertain the damages sustained by the owners of such sheep, horse, cattle or swine, destroyed as aforesaid, and when they shall have ascertained the legality of the claim, and the damage so sustained, they or any two of them shall certify the same under their hands and seals, to the commissioners of the counties respectively, who shall accept the said certificate and give a receipt for the same, and shall have it filed in their office; and at the close of each year they shall make an estimate of such certificates as shall have been presented to them, and also of the amount of all such tax of the same year; and if upon such estimate it should appear that the amount of the said tax would be insufficient to discharge the amount of damages, they shall apportion the amount, and pay to each sufferer in proportion to the loss sustained; and if upon the settlement of such accounts at the close of any succeeding year, there should appear to be a sufficient overplus, after paying the amount of all such damages of that year, as would discharge the arrearages of the former certificates, the commissioners shall then notify the holders of such certificates that they may present them to the treasurer for payment; and if at any time after settling as aforesaid, there should appear to be an overplus, it shall then be applied for other county uses, and accounted for as other monies are.

Proceeding to recover damages for sheep.

Duty of commissioners.

If tax insufficient, to be proportioned among the sufferers.

If a balance remain for a year, it may be appropriated to meet deficiencies.

Surplus applied to county purposes.

SECT. 3. *And be it further enacted by the authority aforesaid,*

That the persons elected to audit and settle the accounts of the supervisors of the highways, or any two of them; in the several townships of the said counties, shall be and they are hereby appointed appraisers of the damage done by dogs, within their respective townships, who shall have the like powers of qualifying themselves and witnesses, and of issuing subpoenas for witnesses, respecting the premises, as are given and granted to arbitrators in the act, entitled, "An act regulating Arbitrations," passed the twentieth of March, one thousand eight hundred and ten; and the appraisers aforesaid shall each receive the sum of fifty cents per day, for each day they shall attend upon such business, which fifty cents shall be immediately paid to each of the said appraisers by the person for whom they have made such appraisal, and the appraisers shall add the same to the damages sustained which he shall be entitled to receive at the

Auditors to be appraisers of damages.

Their powers

Vol. 5, p 131

Compensation.



1813. same time and in the same manner as the damages are to be received and paid.

**Evidence of ownership.** **Penalty on attempt to evade tax.** **What dogs outlawed.** **List of owners and the number of dogs to be put up at certain places.**

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That every dog kept or staying about any house, shall be deemed sufficient evidence of ownership, to authorize the assessor to return the person inhabiting said house as the owner of such dog, and any person sending his or her dog from house to house, or from place to place, in order to evade the said tax, shall be liable to pay double tax therefor; and every dog not returned shall be deemed to have no owner and may be lawfully killed by any person seeing him running at large; and it shall be the duty of the assessor of each township to make out a correct list of all the dogs returned to them for taxation, with the owners' names annexed opposite thereto, and cause said list to be put and kept up in the most conspicuous place of the said house where the township elections are held on the day of said election.

**Dogs caught worrying sheep may be killed.** **Owner refusing to kill his dog caught in the act, liable for damages.**

**SECT. 5.** *And be it further enacted by the authority aforesaid,* That if any dog shall be seen worrying sheep, it shall be lawful for any person seeing the same to kill such dog; or if any dog shall be known to worry sheep or to have been bit by a mad dog, and information thereof be given to the owner of such dog, if he doth not kill or cause him to be killed, he shall make full compensation for all damages done by said dog; and any person seeing said dog running at large, may lawfully kill him. (r)

Passed 22d March, 1813.—Recorded in Law Book No. XIII. p. 499.

(r) The first act on this subject was confined to the counties of Philadelphia, Bucks, Chester, Montgomery and Delaware, (vol. 5, p. 36)

The 5th sect of that act: "That if any dog shall be seen worrying sheep, it shall be lawful for any person seeing the same to kill such dog, or if any dog shall have been known to worry sheep, and information thereof be given to the owner of such dog, if he does not kill, or cause him to be killed, he shall make full compensation for all damage done by the said dog, and any person seeing said dog running at large, may lawfully kill him," declared to be a general law throughout the state, (ch. 3793.)

The act in the text was extended to the county of Greene, and the tax in Delaware and Chester, to be one dollar for the first, and for every additional dog,

two dollars, (ch. 3913.) The tax in Chester reduced one half, (ch. 5026.) The act, (ch. 3913,) was as respects Green county, repealed, (ch. 5059.)

Tax in Bucks county, to be for one dog, not exceeding 50 cents, for a second dog, not exceeding 1 dollar 50 cents, and for an additional dog a sum not exceeding 3 dollars. In Philadelphia city and county an additional tax for one dog 25 cents, for a second dog 50 cents, and an additional dog one dollar. Surplus in the treasury of the county of Philadelphia on the 1st May, annually, to be applied towards a fund for the education of poor children, except in the city of Philadelphia, Northern Liberties and Southwark, (ch. 4597)

For further reference, see ch. 5059, and certain provisions as to the county of Philadelphia, see ch. 3698 and 4947.

## CHAPTER 3719.

An act vesting the title of a certain piece of land in Conamaugh township, in the county of Indiana, in certain trustees and their successors, for the use of a school.

**SECT. 1.** [A LOT of ten acres conveyed to trustees for the use of such school or schools as may be erected thereon. The rights of any other person not to be affected. **2.** Vacancies in the trustees to be supplied by a majority of the subscribers.]

Passed 22d March, 1813.—Recorded in Law Book No. XIII. p. 502.



## CHAPTER 3724.

1813.

A supplement to the act, entitled, "An act concerning strays."

[Vol. 4, p. 472,  
sup. ch. 4680.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* all the provisions of the act entitled, an act concerning strays, passed the thirteenth day of April, eighteen hundred and seven, be and the same are hereby extended to all the counties throughout this commonwealth; except the counties of *Erie, Crawford, Warren, Mercer, Potter, Schuylkill, Butler, Adams, Allegheny, and M'Kean: Provided always, That* the said act shall not be so construed as to compel any person to serve as town clerk more than one year in seven.

Act 13 April,  
1807, extended.

Passed 25th March, 1813.—Recorded in Law Book No. XIII. p. 508.

NOTE.—The original act, vol. 4, p. 472, was confined to Philadelphia, Bucks, Chester, Lancaster, Northampton, Wayne and Delaware. It was afterwards with the supplement, (ch. 4680) extended to Allegheny, Butler, Mercer, Venango, Warren and Erie, (ch. 4680.)

When the inhabitants of any township, authorized to elect a town clerk, neglect to do so, the court authorized to appoint one, but no person to be compelled to serve more than one year in seven, (ib.)

When the owner of any stray, taken up by virtue of this act, (vol. 4, p. 472,) shall not appear, or neglect to make or

tender satisfaction, or if the injured party will not accept the same, he shall apply to a justice of the peace, who shall proceed as directed by said act. If the owner does not appear in ten days, the stray to be advertised as directed by the 4th section of the same act. If the owner does not appear within 60 days from the publication, the same proceeding shall be had as directed by the act, of which so much as is hereby altered, is repealed, (ib.)

See act regulating and maintaining fences, and notes thereto, (vol. 1, p. 13.)

## CHAPTER 3728.

A supplement to an act to incorporate a company for the purpose of cutting and making a Canal between the river Delaware and the Chesapeake bay. [Vol. 3, p. 462.]

WHEREAS during the time of war against the United States of America, the completion of the work of the Chesapeake and Delaware Canal would be greatly beneficial to the United States, by forming the great link of an inland navigation of six or seven hundred miles, and thereby establish a perfectly safe, easy, and rapid transportation of our armies and the munitions of war through the interior of the country, and which would ever tend to operate as a cement to the union between the states: *And whereas*, The prosperity and the agricultural interest of the state of Maryland, the commonwealth of Pennsylvania, and the Delaware state, are more deeply interested than their sister states in the useful work of opening a communication between the Chesapeake bay and the river Delaware by means of the said Chesapeake and Delaware canal: *Therefore*, In order to enable the president and directors of the said canal to prosecute and finish the important work of the said Chesapeake and Delaware canal.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly*

1813.

Governor to  
subscribe  
375 shares  
provisionally.

*met, and it is hereby enacted by the authority of the same, That if the United States shall subscribe seven hundred and fifty shares; the state of Maryland two hundred and fifty shares, the state of Delaware one hundred shares, in the Chesapeake and Delaware canal company, in such case the governor of this commonwealth is hereby authorized and directed to subscribe in behalf of this state three hundred and seventy five shares in said company, and the money necessary to be paid in consequence of such subscription, shall be paid by this state; and the governor of this commonwealth shall appoint a proper person to vote for president and directors of said company according to such number of shares, and the treasurer of the commonwealth shall receive upon the said stock the proportion of the tolls which shall from time to time be due to the state for the shares aforesaid.*

5th sect. act  
vol. 3. p. 464,  
made part of  
this.

SECT. 2. *And be it further enacted by the authority aforesaid, That the fifth section of an act, entitled, "An act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna down to the Maryland line, and for other purposes," passed the nineteenth day of February, one thousand eight hundred and one, shall be valid and become part of this act as fully and effectually, as if the same was hereby enacted at full length.\**

This act not  
to take effect  
unless, &c.

SECT. 3. *And be it further enacted by the authority aforesaid, That this act shall not take effect unless the legislature of Maryland shall pass, or shall have passed a law declaring that in consideration of the act of the legislature of Pennsylvania incorporating said canal company, the river Susquehanna from the Maryland line to the bay of Chesapeake, shall for ever hereafter be a highway, and that individuals or bodies corporate, may at all times remove obstructions therein.*

SECT. 4. [Obsolete.]

Passed 25th March, 1813.—Recorded in Law Book No. XIII. p. 517.

## CHAPTER 3729.

[Vol. 4. p.  
158.]

An act to amend and continue an act, entitled, "An act to incorporate the Delaware Insurance Company of Philadelphia.

SECT. 1. [THE original act except the limitation extended 20 years from 1st of January, 1815. 2. Capital to be 200,000 in shares of 40 dollars. Nothing in this act to be construed to lessen the security of any contract previously made. 3. So much of the original act as is hereby altered, &c. repealed. The privileges granted may be annulled if they should prove injurious to the interests of the commonwealth.]

Passed 25th March, 1813.—Recorded in Law Book No. XIII. p. 520.

\* "That the river Susquehanna down to the Maryland line shall be and the same is hereby declared to be a public highway, any act or law of this commonwealth to the contrary notwithstanding; and it shall and may be lawful for the said Chesapeake and Delaware canal company, or any body corporate or individuals to remove all natural or artificial obstructions therefrom," (Vol. 3, p. 464.)

## CHAPTER 3731.

1813.

An act to repeal the act, entitled, "An act to repeal the act, entitled, "An act [Vol. 3 p. 421.] for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of assembly, in all cases where title has been at any time claimed under the Susquehanna company or the state of Connecticut.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Act 11th March, 1800 vol. 3, p. 421 repealed. *An act to repeal the act for the limitations of actions to be brought for the inheritance or possession of real property, or upon penal acts of assembly, in all cases where title has at any time been claimed under the Susquehanna company, or the state of Connecticut," passed March the eleventh, one thousand eight hundred, shall be and the same is hereby declared to be repealed; and the act of March the twenty-sixth, one thousand seven hundred and eighty-five, entitled, "An act for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of assembly," shall after the expiration of the said two years, be taken and construed to extend as fully and effectually to that part of the commonwealth against every person or persons whosoever, except those who shall have brought their action or actions for the recovery of their possessions within the said period of two years, as in any other parts of the same.* Act 26th March, 1785 vol. 2, p. 299 extended.

SECT. 2. [Obsolete.]

Passed 25th March, 1813.—Recorded in Law Book No. XIII. p. 525.

NOTE.—The provision contained in the 4th section of the act (vol. 2, p. 300) so far as to persons beyond seas and without the United States repealed, and limitation contained in the 2d section extended to persons beyond seas and without the United States, (ch. 4080.)

See (ch. 1134 vol. 2, p. 299, and also ch. 4090 ch. 5045,) and notes thereto.

## CHAPTER 3736.

An act to encourage the introduction of steam boats upon the Susquehanna river.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* James Barnes to have exclusive right to navigate parts of the river Susquehanna. *the exclusive right of navigating the east branch of the Susquehanna, from Wilkesbarre to Tioga point, by the aid of fire or steam, is hereby granted unto James Barnes of the borough of Wilkesbarre, his heirs and assigns, for the term of fifteen years: Provided, Said Barnes shall have a steam boat of not less than ten tons burthen in operation within three years from the date of this act, and keep one or more in operation in all practicable seasons during the above term: And provided also, That nothing in this act contained shall be taken or construed to impair the patent, or alter rights of any person or persons, derived from the government of the United States.*

Passed 26th, March, 1813.—Recorded in Law Book No. XIII. p. 528.

1813.

## CHAPTER 3740.

Vol. 5, p. 192. A supplement to an act, entitled, "An act to enable the governor to incorporate a company to make an artificial road from the south side of Michael Geiselman's mill, adjoining the town of Berlin, in the county of Adams, through Abbotstown to Hanover in York county\*.

SECT. 1. [AUTHORIZED to extend the road to intersect the Hanover and Maryland Turnpike in the centre square in the town of Hanover. Managers may be reduced to seven, who to have the powers given by the original act. The part extended by this act to be considered a part of the turnpike. Company may take toll on it when finished in proportion to the distance. So much of the original act as is altered &c. repealed.

Passed 26th March, 1813.—Recorded in Law Book No. XIII. p. 533.

NOTE.—The style of this Company is "The President Managers and Company of the Berlin and Hanover turnpike road, vol. 5. p. 192.

## CHAPTER 3742.

[Vol. 3, p. 130, A further supplement to the act, entitled, "An act to incorporate the district of Southwark.  
sup. 206,488,  
see ch. 3995.]

"Wharton  
Market" es-  
tablished.

Houses to be  
erected.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That Moyamensing road as far as the same is or hereafter may be widened to the width of one hundred feet, be and the same is hereby declared to be for ever a market place, to be called the Wharton market, and it shall and may be lawful for the commissioners and inhabitants of the district of Southwark to erect on the said road beginning on the south side of Prime-street, a market house or market houses, extending south from time to time as the state of improvement in the opinion of the said commissioners may require; and the said commissioners are hereby authorized to make such ordinances and regulations for the government of the same as are not inconsistent with the provisions of the act to which this is a supplement.*

Passed 26th March, 1813.—Recorded in Law Book No. XIII. p. 535.

NOTE.—The district was incorporated 18th April, 1794, vol. 3. p. 130. For general reference to all laws subsequent to March, 1812, see ch. 4248; and those supplements and other acts relating relating to the streets laid out under the act of 1787, (vol. 2. p. 435, see ch. 3765.) thereto, see vol. 3. p. 206, 281, 357, 417, 488. See also vol. 1. p. 253, and for a

## CHAPTER 3743.

An act declaring Big Sandy creek a public highway.

Declared a public high-  
way. SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That Big Sandy creek, from its confluence with the Allegheny river up to*



where the state road leading from the town of Mercer to Meadville crosses the same, be and the same is hereby declared a public highway, for the passage of boats and rafts, and other vessels, under the regulations hereinafter specified.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the inhabitants desirous of using the navigation of said creek to remove all natural and artificial obstructions from the bed or channel of the same, excepting dams for mills and other water-works, and to erect such slopes or locks, and to keep the same in repair at the mill-dams now built as may be necessary for the passage of boats, rafts, and other vessels: *Provided,* That such slopes or locks shall not injure the dam or dams, mill or mills, nor alter the head and fall of said stream: *And provided also,* That nothing herein contained shall be deemed taken or understood to prevent any person or persons possessing or owning lands on said creek, who before the passing of this act had authority under the laws of this commonwealth to erect a dam or dams from erecting the same, as he, she or they may think proper, provided they are so constructed and kept in repair by the owner or owners as not to impair the navigation or prevent the passage of fish.

Obstructions  
may be re-  
moved.

Passed 26th March 1813.—Recorded in Law Book No. XIII. p. 536.

#### CHAPTER 3744.

An act declaring Blacklick creek in the county of Indiana, from Charles Campbell's mill to its mouth, a public highway.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That Blacklick creek in the county of Indiana, from Charles Campbell's mill to its mouth, be and the same is hereby declared a public highway, for the passage of rafts, boats, and other vessels, and it shall be lawful for the inhabitants and others desirous of using the navigation of said creek, to remove all natural and artificial obstructions which may be in the same excepting bridges, dams for mills and other waterworks: *And provided also,* That any person or persons owning or possessing lands on said creek, shall have liberty to construct a dam or dams across the same, agreeably and subject to all the restriction and provisions of the act of the general assembly of this commonwealth, passed the third day of March, one thousand eight hundred and three, entitled, "An act to authorise any person or persons owning any lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other waterworks."

Declared a  
public high-  
way.

Vol. 4, p. 20.

Passed 26th March, 1813.—Recorded in Law Book No. XIII. p. 537.

1813.

## CHAPTER 3746.

[Sup. ch.  
4669.]

An act for the sale and settlement of the undrawn donation land, the property of this commonwealth.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Undrawn and improved for any person who has previous to the passing of this act, made an three years, improvement and actual settlement on a tract of donation land, to be patent- which shall be and remain undrawn on the first day of October ed to the set- next, and has resided thereon with his family for three successive tler on condi- years, immediately preceding the passing of this act, and cleared, tion. fenced, and cultivated at least ten acres thereof; and any person who shall, after the first day of October next, make an improvement and actual settlement on an undrawn tract of said land, by erecting thereon a dwelling house fit for the habitation of man, and shall reside thereon with a family for three years from the date of such settlement, and clear, fence, and cultivate at least ten acres thereof, and shall prove by the oaths or affirmations of two disinterested witnesses taken before a judge or justice of the peace of the county where the land lies, that the improvement, settlement, and residence as aforesaid, are completed, and pay into the state treasury one dollar and fifty cents per acre, with interest from three years after their settlement, with the usual fees of office, the secretary of the land office shall issue a patent for such tract: *Provided*, That no patent shall issue unless the said applicant shall produce a certificate from the deputy-surveyor of the proper county, certifying the number of the tract, the number of acres in the same, and that said tract has been duly surveyed by him, according to the original lines and boundaries marked on the same.

First settler  
to have pre-  
ference.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the first settlement made and continued, or which hereafter shall be made and continued, shall give an inception of title to the person so settling the same.

Surveyor ge-  
neral to make  
out a list for  
the secretary  
of the land  
office.

SECT. 3. *And be it further enacted by the authority aforesaid,* That immediately after the passing of this act, it shall be the duty of the surveyor general to make out and transmit to the secretary of the land office, a list of all the donation land which shall at that time remain undrawn, designating the districts, the number of the tract, and the number of acres therein contained, which shall be free to the examination of all persons concerned; and cause the same, together with this act to be published in one of the public papers printed at the seat of government, at Pittsburg, Mercer, Meadville, and Beaver, respectively, for three weeks successively after the passing of this act. (s)

To be pub-  
lished.

Passed 26th March, 1813.—Recorded in Law Book No. XIII. p. 559.

(s) Any person who has or may within five years commence an improvement and actual settlement on any undrawn tract of donation land agreeably to the act in the text may obtain a patent on payment of 50 cents per acre with interest from three years after their

settlement with usual fees, act 25th February, 1819, (ch. 4569.)

Act declaring the mode of distributing donation lands and notes thereto, vol. 2. p. 290, sup. ch. 4601, and notes thereto. See also 4730 relating to laws on donation lands generally.

An act declaring certain creeks public highways.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That* Sundry creeks declared public highways. from and after the passing of this act, Cawanesque creek in the county of Tioga, from its mouth to Bethlehem Thompson's mill and White deer hole creek, in the county of Northumberland, from its confluence with the west branch of Susquehanna, up to Samuel Foresman's mill dam, and Lackawana creek, in the county of Luzerne, from the mouth thereof to Ragged island, at the mouth of Rush creek and Bowman's creek in said county, from its mouth to Parish's mills, at the Big falls, the Frankstown branch of Juniata river, from the forks near Lazarus Lowrie's mill, up the west branch to the town of Holidaysburg, in Huntingdon county, Towanda creek, in the county of Bradford, from the mouth thereof up the main branch to Spalding's mills, [and Anderson's creek,\* in the county of Clearfield, from the mouth thereof to ten miles up the same,] be and they are hereby declared public highways for the passing of rafts and boats or other vessels; and it shall be lawful for the inhabitants, and others desirous of using the navigation of the said creeks, to removing all natural or artificial obstructions, from the same, except mill dams, and to erect such slopes and locks at the mill dams now built, as may be necessary for the passage of boats and rafts; *Provided*, That such slopes and locks be so constructed as not to injure or lower the head of water of any such mill or mills: *Provided also*, That any person or persons owning or possessing land on said creeks shall have liberty to erect any dam or dams across the same agreeably and subject to all the restrictions and provisions of an act of assembly of this commonwealth passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning land adjoining navigable streams of water declared public highways to erect dams upon such streams, for mills and other water-works."

Passed 26th March, 1813.—Recorded in Law Book No. XIV. p. 1.

## CHAPTER 3758.

An act to establish an academy in the borough of Orwigsburg, in the county of Schuylkill, and to grant a sum of money thereto.

SECT. 1. [ACADEMY established. To be styled "The Orwigsburg Academy." 2. First trustees named. Incorporated by the style of "The Trustees of the Orwigsburg Academy." Yearly income not to exceed 2000 dollars. 3. To have a common seal. 4. Manner of electing trustees. Five to be a quorum. Election to be held when and where members of the legislature are

\* So much of this act as declares Anderson's creek a public highway, is repealed, (ch. 4741.)

1813. to be elected. Manner of supplying vacancies. 5. Trustees may make by-laws, &c. and elect teachers. 6. By-laws and proceeding to be entered in a book. Misnomer not to vitiate grants if the intention be clear. 7. 2000 dollars granted for buildings or otherwise appropriated for use of the academy. Poor children not exceeding 4 to be taught gratis. 8. Trustees to exhibit their accounts annually to the auditors of the county.]

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 17.

### CHAPTER 3760.

[Vol. 5, p. 29, A supplement to the act, entitled, "An act to enable the governor to incorporate sup.ch.4193.] a company for the purpose of making an artificial road from the Philadelphia and Lancaster turnpike road, between the twenty-third mile stone and the Admiral Warren tavern, to the point where the Reading road intersects the Morgantown road to the west of Jones' tavern in Berks county."

SECT. 1. ["THE Little Conestoga turnpike company," to have like powers, &c. as those contained in the original act (vol. 5, p. 29) for making, keeping in repair and receiving tolls on a branch of the road beginning at the house of James Bones, at the Yellow Springs, and thence to its intersection with the said road about six miles from the Admiral Warren.]

Vol. 5, p. 29

Passed 29th March, 1813—Recorded in Law Book No. XIV. p. 22.

NOTE.—The Governor authorized to warrant for the whole amount of stock. subscribe for 100 shares, and as soon as The stock subscribed to be vested in the the road is reported to be completed, as commonwealth, (ch. 4193.) required by the original act, to draw his

### CHAPTER 3762.

[Vol. 5, p. 316.] A supplement to an act, entitled, "An act to authorize the governor to incorporate a company for making an artificial road from, at or near the village of Belmont, in the county of Wayne, in a southerly direction, along or near the route of the north and south state road, until it shall intersect the Easton and Wilkesbarre turnpike road in Northampton county.\*"

SECT. 1. [WHEN 25 persons have subscribed 400 shares, the commissioners to certify to the governor, who may then incorporate the subscribers.]

Passed 29th March, 1813—Recorded in Law Book No. XIV. p. 24.

NOTE. The governor is authorised to sect. 12, and for 150 shares by act ch. subscribe for 200 shares by act ch. 4437, 4985, sect. 32.

### CHAPTER 3763.

An act establishing a public ferry on the south side of the west branch of the Susquehanna river, in the county of Lycoming, and to vest the right thereof in John Myers, his heirs and assigns.

SECT. 1. *BE it enacted by the senate and house of representatives, of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* John Myers, his heirs and assigns, shall have the right at his or their own proper cost and charges, to make a good and convenient  
John Myers, &c. to establish a ferry on the south side of the west branch.

\* The style of this company is "The President, Managers and Company of the Belmont and Easton turnpike." vol. 5, p. 316.



1813.



To keep it in good repair.

Ferriage.

landing on the south side of the west branch of the river Susquehanna, on the estate of the said John Myers, and where the post road from Williamsport to Bellefonte crosses the said river above the head of the Great Island and opposite Dunnstown; and the owner or occupier shall keep the same in good order and repair, fit for men, horses, waggons, carts and carriages to pass, and the said owner and occupier shall keep good and substantial boats and flats, and careful ferrymen, who shall constantly, as occasion may require, attend for the purpose of transporting travellers and others over the said river, and for services rendered, shall receive such price as is customarily paid at other ferries on said branch, and the said ferry moreover shall be subject to such rates and regulations as the Court of General Quarter Sessions of the Peace in and for the county of Lycoming shall from time to time order and direct; *Provided always*, That nothing in this act contained shall be construed so as to vest in the said John Myers or his legal representatives, the right to receive or discharge any travellers, carriages, or other loading on land belonging to any other person, without the consent of the owner or occupier.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 25.

## CHAPTER 3765.

An act to suspend the opening of certain streets, lanes and alleys in the district of Southwark.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That so much of an act entitled an act to appoint commissioners to regulate the streets, lanes and alleys in the district of Southwark, and to lay out new streets, lanes and alleys therein, for the accommodation of the inhabitants and to lay out the roads therein mentioned through the said district and parts of the township of Moyamensing and Passyunk, passed on the twenty-ninth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the supplement thereto, passed on the first of April, one thousand eight hundred and eleven, as authorizes the opening of any street, lane or alley, through the ground now occupied as a navy yard in the said district, and no more, be and the same hereby is suspended during the term of six years from and after the passing of this act, or until such ships or vessels of war, the building whereof shall be commenced during the continuance of the existing war between the United States and Great Britain, shall have been completed, launched and equipped.

The opening of certain roads, streets, and alleys, suspended.

Vol. 2, p. 435.

Vol. 5, p. 259.

Limitation,

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 27.

NOTE.—The streets were laid out by commissioners appointed in pursuance of the act of the 29th September, 1787—(Vol. 2, p. 435) their report is filed in the office of the Secretary of the Commonwealth and entered in the minutes of the Supreme Executive Council on the 5th of January, 1790, by whom it was confirmed except as to Head alley, No. 18. The report of the commissioners with the draught is also recorded in the office of the Recorder of Deeds for the county

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of Philadelphia in Ordination Book, No. 1, p. 33

The powers vested in the Supreme Executive Council by the act, (vol. 2, p. 435,) were transferred to the court of Quarter Sessions of Philadelphia county, subject to the revision of the Supreme Court, and so much of the 5th and 6th sections of the original act and of the act, (vol. 2, p. 185) as is altered and supplied repealed, (vol. 5, p. 259)

Part of a street from Carpenter street to Marriott's lane, not included in the limits of 4th street vacated, (vol. 5, p. 373.)

Part of same street not included within the limits of 5th street and of a 50 feet street, not included within the limits of Delaware 3d street, vacated, (cl. 3648.)

By the act in the text the further opening of streets through the ground occupied as a Navy Yard suspended during the existing war with Great Britain

The Commissioners of Southwark authorised to review and vacate so much of Carpenters street laid out by virtue of the

act, (vol. 2, p. 435,) as lies between third street and Church street or alley, (ch. 4355)

So much of the original act, (vol. 2, p. 435,) and the supplement, (vol. 5, p. 259,) as authorized the opening of any street, &c. through the Navy Yard, suspended, and no street, &c. to be opened without the consent of the Secretary of the Navy of the U. S. (ch. 4585.)

The court of Q. S. of Philad county, authorized to appoint viewers to enquire what damages the owners of lands, &c. have or may sustain by reason of the suspension of the opening of said streets, and directing payment of the amount from the treasury of Philadelphia county, (ch. 4821.)

The court of Q. S. empowered and directed to issue their order for opening a part or the whole of any street, &c. recited in the act, (vol. 2, p. 435,) if they deem it expedient so to do from the state of improvement in the neighbourhood, (ch. 4857.)

[Vol. 4, p. 237, sup 390, vol. 5, p. 59, ch. 4163, 4807, see also ch. 3840.]

How many jurors the commonwealth may challenge in criminal cases.

Proviso.

## CHAPTER 3767.

A further supplement to the act, entitled, "An act directing the mode of selecting and returning jurors"

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That the commonwealth shall not, in any criminal prosecution, have a right peremptorily to challenge a greater number of jurors than the defendant or defendants, and that all challenges shall be conducted as follows, to wit, the commonwealth shall challenge one, and then the defendant or defendants in the case, and so alternately until all the challenges are gone through: Provided, That in any case of felony the commonwealth shall not challenge without cause, and if in other cases the commonwealth should refuse to make any challenge, this act shall not be construed to take away the right of the defendant or defendants to challenge in such cases. (t)*

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 29.

(t) "In all criminal prosecutions where in peremptory challenges have not been heretofore permitted by law, the defendant or defendants shall be allowed to challenge

four jurors peremptorily," (vol. 5, p. 59.)

For a general reference to the laws on the subject of jurors, see vol. 4, p. 237, and ch. 4163, and notes thereto.

[Sup. ch. 3899, 4379.]

## CHAPTER 3768.

An act concerning the borough of Reading.\*

SECT. 1. [LIMITS prescribed. 2. Electors to be qualified to vote for members of the general assembly, and have resided one

\* This borough was formerly incorporated, (vol. 2, p. 76.)

year in the borough. A chief burgess, and assistant burgess, and nine citizens to form a town council, to be elected annually on the first Monday in May. Judges and inspector of elections to be chosen previous to the opening of the election. If two candidates have the same number of votes, the judges shall determine between them by lot to be drawn in the presence of the inspector and clerks. Duplicate certificates of elections to be signed, one of which to be delivered to the clerk of the Court of Quarter Sessions of the county of Berks, and the other filed among the papers of the corporation. High constable to give notice in writing to the persons elected. Vacancies to be supplied. 3. Corporate name to be "The Chief Burgess and Assistant Burgess and Town Council of the Borough of Reading." The usual corporate privileges granted. Property of corporation not to exceed the yearly value of 5000 dollars. To have two markets each week on Wednesday and Saturday. 4. Penalty for refusing to serve as an officer, 20 dollars. No person compelled to serve more than one in any term of five years. 5. Officers to take an oath or affirmation before a justice of the peace of the county. 6. Town council to meet quarterly, on the first Saturday of April, July, October and January, and oftener if necessary. Five members to be a quorum. May enact by-laws, ordinances, and regulations, necessary for the government and well being of the borough. May assess taxes, and appoint inferior officers. By-laws to be published before enforced. The valuation of property in assessing county rates to be the standard for assessing the borough taxes. Taxes not to exceed one per cent. unless otherwise determined by a majority of the inhabitants. 7. Taxes to be collected on warrant of the chief burgess or in his absence or inability to act, of the assistant burgess. The chief burgess or in his absence the assistant burgess, to carry into effect the ordinances, and to have jurisdiction in all cases of dispute arising between the corporation, and individuals under this act, or any by-laws of the town-council, and to remit or mitigate forfeitures, &c. 8. Town clerk to attend meetings of the council, to keep the seal and records, and attest the acts of the corporation. 9. Treasurer to give security. 10. Officers to render accounts at quarterly meetings to the council. The accounts when settled and allowed, to be published. 11. Board of appeal in case of borough taxes, to consist of the chief burgess, assistant burgess and president of the council, or any two of them. Collector to give previous notice to each person of the amount of his tax. 12. High constable to give notice of elections. 13. Compensation to the judges, inspector and clerks of elections. High constable's salary, and that of other officers to be fixed by the town council, and not diminished during the term of office. Penalty for neglecting or refusing to serve. 14. Persons for any thing done in pursuance of this act, except what relates to the imposing or collecting the borough tax, and appointment by the town council, may appeal to the Court of Common Pleas, giving security, to prosecute. 15. The act, (vol. 3, p. 512,) for laying out roads, &c. not to extend to the borough. 16. Former act, (vol. 3, p. 76.) repealed.]

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 30.

NOTE.—The inhabitants of the borough empowered at the same time, place and manner, that they elect burgesses, &c. to

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elect a town clerk, treasurer, and two supervisors, (ch. 3899.)

for the annual election to be chosen, (ch. 4379.)

The borough divided into two election wards and an additional inspector

The Reading water company incorporated, (ch. 4703.)

## CHAPTER 3769.

An act to enable the militia or volunteers of this state, when in the military service of the United States or of this state, to exercise the rights of election.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That whenever any of the citizens of this commonwealth having a right to vote at a general election shall be in actual military service under a requisition from the president of the United States, or otherwise, on the days appointed by law for holding general elections within this commonwealth, each and every such citizen shall be entitled to exercise the right of suffrage at such place as may be prescribed by the commanding officer of the company or troop to which he or they shall respectively belong, as fully as if he or they were present at the usual place of election, any provision in any act or acts now in force, to the contrary notwithstanding: *Provided however,* That no such election shall be held if the company or troop to which such person or persons shall be attached shall be within two miles of the usual place of holding elections, at the time of holding such election.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the proceedings for conducting the said elections shall be as far as the same shall be practicable, in all respects the same as those prescribed by the general election laws of this commonwealth, except that the captain or commanding officer of each company or troop shall act as judge, and that the first lieutenant or officer second in command, shall act as inspector at such election so far as shall relate to the proper company or troop to which such officer shall belong.

SECT. 3. *And be it further enacted by the authority aforesaid,* That within three days after the said elections shall have been held, the judges shall respectively transmit a return thereof to the prothonotary of the proper county within which the citizens so having voted would have voted, if the persons so having voted had not been on actual military service; and they shall respectively transmit another return thereof to the commanding officer of the regiment or battalion as the case may be, who shall make a general regimental return thereof under his hand and seal, and shall transmit the same to the secretary of commonwealth.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the judges of the respective elections for the proper county in which the volunteers or militia men who may have voted as aforesaid, may have resided prior to their being called into actual military service, shall meet on the second Tuesday in November next, after the said election shall have been held, and where any other county or counties are connected in the election of senators, or members of congress, the meeting of all the judges concerned, shall be deferred until the time aforesaid: and the prothonotary of the proper county shall deliver to them the returns which shall have been made as

The right of suffrage secured to militia called into service.

Proceedings to be same as at other elections.

Captain to act as inspector.

Judges to transmit returns to the prothonotaries within three days.

Judges to meet on 2d Tuesday in November after election.

When meeting to be deferred.



hereinbefore directed; and when the said returns shall have been so delivered to them the said judges shall take all such proceedings thereupon as would be taken if the said election or elections had been held within the proper county.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the several officers who shall act as judges and inspectors as hereinafter directed, shall respectively send under their hands and seals to the prothonotary of the proper county, all the tallies and lists of voters. Tallies, &c. to be sent to the prothonotaries.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the several officers authorized to conduct the elections as aforesaid, shall take the like oaths or affirmation, shall have the like powers, and they, as well as all other persons who may attend, vote or offer to vote at the said elections, shall be subject to the penalties and restrictions as would be enforced or exercised if such elections had been held in the proper county; and in case any of the persons directed to act as judges or inspectors as aforesaid, shall refuse or neglect to serve, then the officers next in command in the companies or troops to which the person or persons refusing shall belong, shall act as judges and inspectors, or in either capacity as the case may be, and shall exercise and perform all the rights and duties enjoined by this act, or shall be subject to all the penalties enjoined or prescribed by law. Judges to be sworn and subject to same penalties at other elections. In case of refusal next in command to serve.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the captain or commanding officer of the proper company or troop authorized by this act to perform the duties of judge of election, shall administer the proper oath or affirmation to the officer who shall act as inspector, and as soon as the officer so authorized to act as inspector shall have been sworn or affirmed, he shall administer the proper oath to the officer whose duty it shall be to act as judge. Oaths to be administered by officers &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the officer whose duty it may be to act as judge of the election shall appoint two persons to act as clerks, and he shall administer to them proper oaths or affirmations as the case may be. The judge to appoint clerks, &c.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 41.

NOTE.—See the act to regulate the general elections, vol. 3, p. 340, see also ch. 5065, and notes thereto for a reference to all the laws, &c. on the subject since March, 1812.

## CHAPTER 3770.

An act making a further appropriation for building a bridge over the Neshannock creek.

SECT. 1. [150 DOLLARS appropriated in addition to sum granted by the act, (vol. 5, p. 273,) to be expended in erecting a bridge over Neshannock creek, in the town of Newcastle, money to be paid by the treasurer in the manner directed by said act.]

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 45.

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## CHAPTER 3772.

[Ch. 3639.] A supplement to an act, entitled "An act to alter the time of holding several of the Courts of Quarter Sessions and Common Pleas, in the third judicial districts or circuit.

Time of holding certain courts within Northampton county, altered.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That the Courts of General Quarter Sessions and Common Pleas in the county of Northampton, shall commence on the second Mondays after the commencement of the courts in Berks county, and shall continue two weeks, and in the county of Lehigh on the Mondays succeeding the second week of the courts of Northampton county, any laws or law to the contrary notwithstanding.*

Passed 29th March, 1813.—Recorded in Law Book No. XIV p. 46.

NOTE.—Courts of Quarter Sessions of the several counties authorized to continue the sessions during such time as may be necessary to complete the trial and sentence of a defendant when trial shall have commenced within the time limited for holding said court, (ch. 4185.)

## CHAPTER 3774.

[Vol 4. p. 493.] A supplement to an act, entitled, "An act for establishing and building a bridge across the river Schuylkill at or near the Falls thereof," passed the twenty-second of February, one thousand eight hundred and eight.

SECT. 1. [THE President and Managers of the Schuylkill falls Bridge company authorized to receive toll in addition to the rates authorized by the act, (vol. 4, p. 493,) and also a further advance of one fourth on all other rates authorized by said act. Whenever the stockholders are thereby enabled to receive six per cent upon the amount of their subscriptions the tolls to be reduced to the rates prescribed by the original act; once in every three years exhibit to the legislature an account of the capital and annual receipts and expenditures.]

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 49.

NOTE.—By the act of the 22d February, 1808, vol. 4, p. 493, Robert Kennedy and Conrad Carpenter were authorized to erect a bridge over the Schuylkill at or near the falls thereof. On the 2d April, 1811, an act was passed incorporating "The President and Managers of the Schuylkill Falls Bridge Company," reciting in the preamble that Robert Kennedy and Conrad Carpenter had conveyed all their rights, &c. granted by the act of the 22d February, 1808 to trustees for the use of themselves and other subscribers to the stock for erecting said bridge;

and that the said Robert and Conrad as well as the said trustees were desirous of obtaining a charter of incorporation, (vol. 5, p. 265.)

On the 9th of January, 1817, "The President and Managers of the Schuylkill Falls Bridge Company," were authorized by act of that date to sell their corporate rights, provided a covenant is inserted in the deed to the purchaser to build within three years a bridge similar to those over the Delaware at New Hope and Schuylkill at Reading, (ch. 4279.)

An act to enable the governor to incorporate a company to make an artificial road from Millerstown through M<sup>c</sup>Kessonsburg, and thence by Daniel Sprenkle's to the Franklin county line.

SECT. 1. [COMMISSIONERS appointed. Their duty. Shares to be 50 dollars. Five dollars to be paid on subscribing. 2. Proceeding to obtain a charter. Corporate name to be "The President Managers and Company of the Millerstown and Franklin county line Turnpike Road." May increase the stock if necessary for accomplishing the object. 3. Proceedings to organize the corporation. Corporate officers to be elected. Company may make by-laws, &c. To have the privileges, be subject to the same duties, &c. and entitled to the same tolls, &c. as "The President Managers and Company of the Susquehanna and York Borough Turnpike road, (vol. 4. p. 161,) to be commenced in three and completed in seven years.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 51.

## CHAPTER 3777.

[Vol. 3, p. 362, 435, vol. 5. 189, see also 216.]

A further Supplement to an act, entitled, "An act offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That where a suit has heretofore been brought by a Pennsylvania claimant against the commonwealth under the authority of the act to which this is a supplement, or any of its supplements, and the compensation claimed or awarded has not been paid, and where suits shall hereafter be brought as aforesaid, the said claimant shall transmit to the board of property a copy of the verdict and judgment in such suit, if the same be against the commonwealth, duly certified by the clerk of the court in which such judgment is entered, together with the title papers that relate exclusively to the tract of land for which compensation is asked, whereupon the said board shall examine the title of said claimant to the land in question, and unless it shall appear to them, *First*, that the said claimant is *not* fully, fairly and exclusively entitled to such land under the commonwealth, except as against persons claiming the same by virtue of a certificate or patent granted to a Connecticut claimant, or *Secondly*, that compensation has previously been made to the same Pennsylvania claimant or some other one who was fully entitled to it for the same land, or *Thirdly*, that all the title papers relating exclusively to said land, have not been surrendered to the board, to be by them kept and filed, the said board shall certify to the governor the sum at which said land has been valued by the court by whom the said suit has been tried, who shall thereupon, and not before, issue his warrant for the sum so certified, to the treasurer of the commonwealth, first deducting therefrom the amount of original purchase money that may be due to the state on said land.

To transmit a copy of verdict to the board of property.

And title papers.

Who to investigate the same, and if approved of certify to the governor.

Who to draw his warrant in favour of such claimant.

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Claimant to have a re-survey made before the trial of his case.

To be produced in court.

Clerk to certify costs to the governor.

To draw for the same.

Right of appeal secured.

Governor to direct an appeal, &c.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That any Pennsylvania claimant previous to the trial of any suit for compensation for lands taken from him by virtue of the act to which this is a supplement, or any of its former supplements, shall at his own expense employ the deputy surveyor of the proper district to make a re-survey of the land in question, who shall carefully ascertain the interferences of the respective surveys under the Pennsylvania and Connecticut titles, and designate the same by a draft which shall be produced in the court having cognizance of such suit, and the attorney for the commonwealth is hereby directed to subpoena said deputy surveyor to attend at the trial of any suit brought against the commonwealth by a Pennsylvania claimant as aforesaid.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That where judgment is given against the commonwealth in any suit brought as aforesaid, the clerk of the court shall transmit to the governor a certified copy of the bill of costs in such suit, containing the particulars of each charge in the same, and supported by the oath or affirmation of the party, and the governor if he approve of the same shall thereupon draw his warrant on the state treasurer for the amount thereof in favour of the plaintiff.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That this act shall not be construed to affect the right of appeal to either the plaintiff or the commonwealth where the cause is tried by arbitration, and it shall be the duty of the deputy attorney general, to transmit a report of the case to the governor, as early as possible after any decision has been had against the commonwealth, with his opinions as to the justice of the said decisions; and the governor is hereby authorized to direct an appeal in all cases, and at any time that he may think proper.

Passed 29th March, 1813—Recorded in Law Book No. XIV. p. 55.

**NOTE.**—See vol. 3, p. 362, for original act and notes thereto.

In a suit by a Pennsylvania claimant for compensation under the act of the 3d March, 1812, vol. 5, p. 301, the value of the land is to be estimated as it is at the time of making compensation, unless there be latches in bringing the

suit. When an act of assembly authorizes the court and jury to award a compensation, the obvious meaning is, compensation considering the value of the land at the time of making compensation. 2 Serg. and Rawle, 441.

See ch. 5045, and notes thereto.

## CHAPTER 3778.

An act for the further establishment and regulation of Election Districts.

Indiana.

**SECT. 1.** *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met,* and it is hereby enacted by the authority of the same, That from and after the passing of this act, the electors of Centre township in Indiana county, shall hold their general elections at the house now occupied by Michael M'Anulty, in said township.

Lancaster.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That all that part of Warwick township in the county of Lancaster, east of the following described line, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Chistian Hall, in the village of Litiz, viz.



beginning at the township line at Martin Gross's lane; thence in a northerly direction to the house of Abraham Reist, sen. excluding the same and including the houses of Samuel Hershey, Sebastian Hoffman and Jacob Wolf; thence between the plantations of David Wissler and Christian Hursly to the road from Manheim to Bricker's tavern, at Jacob Bender's smith-shop; thence along the said road to the said Bricker's tavern, including the same, and all that part of Warwick township lying west of the aforesaid line; shall hold their general elections at the village of Manheim, any law to the contrary notwithstanding.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the electors of the township of Drumore in the county of Lancaster, shall hold their general elections at the house now occupied by Philip Housekeeper in said township. Lancaster.

SECT. 4. *And be it further enacted by the authority aforesaid,* That Montgomery and Guwyned townships in the county of Montgomery, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by George Heist, innkeeper, in Guwyned township. Montgomery

SECT. 5. *And be it further enacted by the authority aforesaid,* That Horsham and Moorland townships in the county of Montgomery, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Joseph Kerr, innkeeper, in Moorland township. Montgomery

SECT. 6. *And be it further enacted by the authority aforesaid,* That the part of the thirteenth election district, in the counties of Dauphin. Dauphin and Lebanon which is yet in Dauphin county, shall be annexed to and form part of the second district in said county; and the part of the eleventh district in said counties which is now in Lebanon county, shall be annexed to and form part of the district, the electors whereof hold their elections at the house of Thomas Harper, in Lebanon county; and the part of the fourteenth district in said counties which is now in Dauphin county, shall be a separate election district, and the electors therein, hold their general elections at the house of Peter Zattezahn; and the electors of the fifth election district now in Lebanon county, shall hold their general elections at the house now occupied by George Stine in Jonestown. Lebanon.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the township of Sadsbury in Lancaster county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Josiah Kennedy Irwin, in said township. Lancaster.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the township of Frenchcreek in Mercer county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Reed, in said township. Mercer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the electors of St. Tammany district in the township of Damascus in Wayne county, shall in future hold their general elections at the house now occupied by William Tyler, in said township. Wayne.

SECT. 10. *And be it further enacted by the authority aforesaid,* That all that part of Salem township in Wayne county, which lies Wayne.

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south of the road leading from John Ansley's to Wilkesbarre, shall be a separate election district, to be called Newfoundland district, and the electors thereof shall hold their general elections at the house now occupied by John Clements, in said township.

Centre.

SECT. 11. *And be it further enacted by the authority aforesaid,* That Howard township in Centre county shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Frederick Shank, in said township; and the township of Walker in the said county of Centre, shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by captain Thomas Wilson, in the said township.

Clearfield.

SECT. 12. *And be it further enacted by the authority aforesaid,* That all that part of Chinclecamoose township, in Clearfield county, lying on the waters of Sinnamahoning, beginning at the north-east corner of Clearfield county; thence west to the district line between John Cannon and James Hunter's district; thence south by said line unto a beach corner, being a corner of two surveys in the name of George Meade, number five thousand two hundred and ninety four, and number five thousand two hundred and ninety five; thence between said surveys east until it strikes the county line; thence north along said line to the place of beginning; shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Andrew Overdorf, at the forks of Sinnamahoning, in said township.

Westmore-  
land.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the electors of Rostravor township in Westmoreland county, who have heretofore held their general elections at the house formerly occupied by Samuel Wilson, shall hold their general elections at the house occupied by Richard Steel, in said township.

Bucks.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the township of Wrightstown in Bucks county shall be a separate election district, and the electors thereof shall hold their general elections at the Anchor tavern, where the township elections have been heretofore held.

Bucks.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the township of Upper Makefield in Bucks county shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William M<sup>r</sup> Masters in said township.

Bucks.


SECT. 16. *And be it further enacted by the authority aforesaid,* That the township of Southampton in Bucks county shall be a separate election district, and the electors thereof shall hold their general elections at the Buck tavern, where they now hold their township elections, in said township.

Mifflin.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the township of Decatur in Mifflin county shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Stump, in said township.

Washington.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the township of West Bethlehem in Washington county shall be a separate election district, and the electors thereof shall hold

their general elections at the house now occupied by John Conkle, 1813.  
in said township. 

SECT. 19. *And be it further enacted by the authority aforesaid,* That the township of Greenville in Somerset county shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Peter Deal, in said township. Somerset.

SECT. 20. *And be it further enacted by the authority aforesaid,* That the part of Allen township in Cumberland county that now composes part of the district of East Pennsborough and Allen, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Major John Synder, in said township. Cumberland.

SECT. 21. *And be it further enacted by the authority aforesaid,* That all that part of Donegal township in Lancaster county, included in the bounds of the borough of Marietta, shall be a separate election district, and the electors thereof shall hold their general elections at the public school-house, in said borough. Lancaster.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the township of Moore in Northampton county shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Michail, in said township. Northampton.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the electors of the township of Chesnut-hill in the county of Northampton, shall hold their general elections at the house now occupied by George Woods, in said township. Northampton.

SECT. 24. *And be it further enacted by the authority aforesaid,* That Lurgan township in Franklin county shall be a separate election district, and the electors thereof shall hold their general elections at the school-house in the village of Roxbury, in said township. Franklin.

SECT. 25. *And be it further enacted by the authority aforesaid,* That Shenango township in Beaver county shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Kelley, in said township. Beaver.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the township of Green in the county of Beaver shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Preston, in said township. Beaver.

SECT. 27. *And be it further enacted by the authority aforesaid,* That all that part of the townships of Hempfield, Manor and Rapho, in Lancaster county, included within the following described bounds, shall be a separate election district: viz. beginning at the mouth of Chicques creek; thence up said creek to where Little Chicques empties into the same; thence up Little Chicques to the Lancaster and Middletown turnpike road; thence along said road to a road called Stoner's road; thence along said road to the Anderson's ferry and Lancaster turnpike road; thence a direct course to Christian Riggle's spring; thence down the waters of said spring across Manor township line to Christian Herr's mill; thence along a road leading to John Eshelman's black-smith shop; thence along a

1813. road leading to the mouth of Conestoga creek until it intersects the south line of Philip Sower's land; thence along said line to the Susquehanna river; thence up said river to the place of beginning; and the electors within the aforesaid bounds shall hold their general elections at the Columbia school-house, in the town of Columbia.
- Adams. SECT. 28. *And be it further enacted by the authority aforesaid,* That the electors of the township of Reading in Adams county, which now composes a part of the fourth election district, be and they are hereby annexed to the sixth election district, and they are hereby authorized to hold their general elections at the place appointed by law for said district.
- Cambria. SECT. 29. *And be it further enacted by the authority aforesaid,* That the electors of Conemaugh township in Cambria county, shall hold their general elections at the house now occupied by George Weimor, in John's-town, in said township.
- Schuylkill. SECT. 30. *And be it further enacted by the authority aforesaid,* That the township of Rush and all that part of the township of Schuylkill in Schuylkill county, which lies east of the following described lines, shall be a separate election district: viz. beginning at the line between the townships of Brunswick and Schuylkill where the road leading from M'Keansburg to Valley Furnace crosses the said township lines; thence along said road to the top of Tuscarora mountain; thence in a direct line to the place where Zachariah's run empties into the river Schuylkill; thence in a direct line to where the Catawissa road crosses the line between the counties of Columbia and Schuylkill; and the electors thereof shall hold their general elections at the house now occupied by James Blew, in Schuylkill township.
- Union. SECT. 31. *And be it further enacted by the authority aforesaid,* That the electors of the third election district in Union county shall hold their general elections at the house now occupied by Andrew Reedy, in Buffaloe township, in said district.
- Columbia. SECT. 32. *And be it further enacted by the authority aforesaid,* That the electors of the township of Briar creek in Columbia county shall hold their general elections at the house now occupied by William Rittenhouse, in said township.
- Huntingdon. SECT. 33. *And be it further enacted by the authority aforesaid,* That the electors of the fifth election district in Huntingdon county shall hold their general elections at the house now occupied by William M'Jimsey, innkeeper, in the town of Williamsburgh.
- Luzerne. SECT. 34. *And be it further enacted by the authority aforesaid,* That the township of Providence in the county of Luzerne shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Stephen Tripp, in said township.
- Luzerne. SECT. 35. *And be it further enacted by the authority aforesaid,* That the electors of Nescopeck township in the county of Luzerne shall hold their general elections at the house now occupied by George Keen, in said township.
- Luzerne. SECT. 36. *And be it further enacted by the authority aforesaid,* That all that part of the township of Braintrim in Luzerne county, that lies on the west side of the Susquehanna, be and the same is hereby erected into a separate election district, to be called Wind-

ham, and the electors thereof shall hold their general elections at the house now occupied by Joseph Burgess.

SECT. 37. *And be it further enacted by the authority aforesaid,* That such parts of the townships of Bridgewater and Rush in the county of Susquehanna, as are included in the following lines, *to wit,* beginning on the north line of the state at the twenty-seventh mile stone; thence by the west line of Lawsville south, to the south-west corner of said town; thence west to the line of Bradford county; thence north to the state line at the fortieth mile-stone; thence east to the place of beginning; be and the same are hereby erected into a separate election district, to be called Choconut; and the electors thereof shall hold their general elections at the house now occupied by Levi Smith.

SECT. 38. *And be it further enacted by the authority aforesaid,* That where any election district is divided by the lines of the new counties of Bradford and Susquehanna, the electors of such parts of the said districts as shall be separated from the places established for holding the elections, shall be attached to the nearest election district in the county in which they reside.

SECT. 39. *And be it further enacted by the authority aforesaid,* That the township of Middletown in Bucks county shall be a separate election district, and the electors thereof shall hold their general elections at Daniel Carpenter's tavern at Attleborough, in said township.

SECT. 40. *And be it further enacted by the authority aforesaid,* That the electors within the township of Allegheny in Armstrong county, in future shall hold their general elections at the house now occupied by Eliab Eakman, in said township.

SECT. 41. *And be it further enacted by the authority aforesaid,* That the electors of the township of Washington and that part of White Deer township in the county of Union, situate within the following boundary: beginning at the west branch of the Susquehanna at the end of White Deer mountain; thence along the same to the little spruce run; thence down the same to Matthew Laird's plantation; and from thence to the west branch of Susquehanna to the house of William Boal; thence up the west branch of the Susquehanna to the Lycoming county line; be erected into a separate election district, and the electors thereof shall hold their general elections at the house of Dan Caldwell, in the township of White Deer.

SECT. 42. *And be it further enacted by the authority aforesaid,* That the electors of Salem township in Luzerne county, shall hold their general elections at the house now occupied by James Campbell, in said township.

SECT. 43. *And be it further enacted by the authority aforesaid,* That the township of Hanover in the county of Luzerne, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Frederick Crisman, innkeeper, in said township.

SECT. 44. *And be it further enacted by the authority aforesaid,* That the electors of Milbord township in Mifflin county, shall hold their general elections at the house now occupied by Benjamin Kepner, in said township.

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Butler.

SECT. 45. *And be it further enacted by the authority aforesaid,* That the electors of the second election district in the county of Butler, shall hereafter hold their general elections at the house now occupied by Guy Hilliard, in said district.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 58.

## CHAPTER 3779.

An act to improve the breed of sheep in certain counties of this commonwealth.

No ram to  
run at large  
from 1st Dec.  
to 1st Aug.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That if any ram shall be taken trespassing within any inclosure within the counties of Delaware, Northumberland, Union, Columbia, Lycoming, Luzerne, Bradford, Fayette, Washington, Cumberland and Centre, at any time between the first day of August and the first day of December, the owner of said ram shall forfeit and pay to the owner or possessor of said inclosure, the sum of two dollars, to be recovered as debts to that amount are or shall be by law recoverable.

Trespassing,  
to be taken  
up, advertis-  
ed, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if the owner of said ram be not known, the owner or possessor of said inclosure is hereby directed to give ten days notice of the trespass committed, by advertisements to be set up at four public places within the township where the ram shall have been taken, describing his marks, if any; and if no owner shall appear within twenty days after notice to claim the ram, he shall be forfeited to the then possessor.

A former act  
repealed

Vol. 5, p. 359

SECT. 3. *And be it further enacted by the authority aforesaid,* That the act, entitled, "An act to improve the breed of sheep in the counties of Luzerne, Northumberland and Delaware," passed the twenty-seventh day of March, one thousand eight hundred and twelve, be and the same is hereby repealed.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 68.

NOTE.—This act extended to the counties of Chester, Beaver, Butler, Mercer, Venango, Crawford, Somerset and Allegany, (ch. 3867) To Erie, Bucks, Westmoreland and Tioga, (ch. 4138.)

## CHAPTER 3781.

An act detaching the Germantown, the first county, and Frankford troops of horse, from the regiment composed of the cavalry of the city and county of Philadelphia.

Detached ex-  
cept when  
called into  
service.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the Germantown troop of cavalry, commanded by captain Riter, the first county troop of cavalry, commanded by captain Hass, and the Frankford troop, commanded by captain Norton, be and they are hereby detached, except when called into actual service, from the regiment composed of the cavalry of the city and county of Phila-

delphia, established by an act granting certain privileges, and enlarging the regiment of artillery attached to the first brigade first division Pennsylvania militia, and for the better organization of the cavalry in the city and county of Philadelphia, passed the thirtieth day of March, one thousand eight hundred and eleven: *Provided*, That the troops of horse aforesaid shall attach themselves to some regiment of militia within the city or county of Philadelphia, and be subject to the same penalties, and under the same rules and regulations as the militia of this commonwealth, are by law subjected: *Provided also*. That nothing in this act contained shall be so construed as to affect the privileges of the regiment of cavalry, organized by the act herein recited other than the detaching of the said companies from days of training.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 70.

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Vol. 5, p. 246.

## CHAPTER 3782.

A further supplement to an act, entitled, "An act to alter the judiciary system of this commonwealth," and to alter the times of holding the court of Common Pleas, Court of Quarter Sessions of the Peace, and Orphans' Court in and for the counties of Adams and Franklin. [Vol. 4, p. 270.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That from and after the next April term, in the county of Adams, the Courts of Common Pleas, Quarter Sessions of the Peace, and Orphans' Court, shall be holden in said county on the Mondays next succeeding the same courts in Cumberland county, and that the said courts continue one week; and the judges of the same are hereby authorized and empowered to adjourn said courts to such times and in such manner as is provided by the act to which this is supplementary. Time of holding courts in Adams county, altered.

SECT. 2. *And be it further enacted by the authority aforesaid*, That from and after the next April term in the county of Franklin, the same courts shall be holden in and for the said county on the Mondays next succeeding the same courts in the county of Adams, and that the same continue two weeks; and the judges of the Court of Quarter Sessions of the Peace, in and for the said county of Franklin, are hereby authorized and empowered to continue the sessions of said court during the whole of the first week of each and every term, or so many days as they shall deem necessary to do the business thereof, and that the judges of the Court of Common Pleas of said county have the like powers, with the like provisions as are given and provided for others by the second section of an act passed the twenty-eighth day of March, one thousand eight hundred and eight, entitled, a further supplement to the act, entitled, "An act to alter the judiciary system of this commonwealth." In Franklin, changed. Vol. 4, p. 525

SECT. 3. *And be it further enacted by the authority aforesaid*, That so much of any act or acts as is hereby altered or supplied be and the same is hereby repealed. Repealing clause.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 70.

NOTE.—The Judges of the Courts of any term, preceding one which is to continue two weeks, to make an order, that

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the trial of issues in civil causes shall commence during the first week of the next term, and the petit jurors shall be jurors in all civil causes the trial of which shall be commenced during the first week. 4 Vol. p. 525

The Courts of Quarter Sessions of the

several counties, are authorized to continue during the time necessary to complete the trial and sentence of a defendant whose trial shall have commenced within the period limited for holding said courts, (ch. 4185.)

### CHAPTER 3784.

[Vol. 2, p. 71] An act for the relief of Dickinson College.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 72.

NOTE.—For a general reference to the laws respecting this institution, see ch. 4950.

### CHAPTER 3786.

[Vol. 4, p. 134.] An act for the relief of the Lancaster, Elizabethtown and Middletown turnpike road company.

SECT. 1. [AUTHORIZED to borrow 40,000 dollars, and to pledge the road, &c.]

Passed 29th March, 1813 —Recorded in Law Book No. XIV. p. 73.

### CHAPTER 3787.

An act declaring Big Conoquinessing creek in the counties of Butler and Beaver, a public highway.

Part declared a public highway.

Inhabitants may remove obstructions.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Big Conoquinessing creek, from the town of Butler in the county of Butler to its confluence with Big Beaver creek, in the county of Beaver, shall be and the same is hereby declared a public highway for the passage of rafts, boats and other water carriages; and it shall and may be lawful for the inhabitants desirous of using or promoting the navigation of said creek, to remove all natural or artificial obstructions which may be in the same, excepting bridges, dams for mills, and other water works; and also to erect such slopes at the mill dams now built on said creek, as may be necessary for the passage of rafts, boats, and other water carriages: *Provided, Such slopes be so constructed as not to injure the work of said dams, or alter the head or fall of said stream; And provided also, That any person or persons owning or possessing lands on said creek, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled,*

Vol. 4, p. 20. "An act to authorize any person or persons owning lands adjoining



ing navigable streams of water declared public highways, to erect dams upon such streams for mills and other water works." 1813.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 74

## CHAPTER 3788.

An act declaring part of Swatara creek a public highway.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Part declar-  
Swatara creek from John Weidman's forge dam in the county of ed a public.  
Dauphin, to Good Spring creek, in the county of Schuylkill, shall highway.  
be and the same is hereby declared a public highway for the passage  
of boats, rafts, and other vessels, under the regulations hereinafter  
specified.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the inhabitants desirous of using the na- Inhabitants  
vigation of said creek, to remove all natural and artificial obstruc- may remove  
tions from the bed or channel of the same, excepting dams for obstructions.  
mills or other water works, and to erect such slopes or locks, and  
to keep the same in repair at the mill dams now built as may be  
necessary for the passage of boats, rafts and other vessels: *Provided,*  
That such slopes or locks shall not injure the dam or dams, mill or  
mills, nor alter the head and fall of said stream; *And provided also,*  
That nothing herein contained shall be deemed, taken or understood  
to prevent any person or persons possessing or owning land on the  
said creek, who before the passing of this act had authority under  
the laws of this commonwealth to erect a dam or dams, from erect-  
ing the same, as he, she or they shall think proper, if such dam or  
dams shall be so constructed and kept in repair by the owner or  
owners thereof with complete slopes or locks on convenient parts  
of such dam or dams, so that the navigation of the said creek for  
boats, rafts, and other vessels, will not be injured thereby, nor the  
passage of fish prevented.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 74.

## CHAPTER 3791.

AN act to authorize the governor to incorporate a company for opening a canal and lock navigation on the eastern side of the Susquehanna, opposite the Conewago falls.

SECT. 1. [COMMISSIONERS appointed. Their duty. To give notice of the time of opening books. Price of shares 100 dollars. Books to be closed when 550 subscribed. 2. As soon as 200 shares have been subscribed commissioners to give notice to the governor; who to constitute the subscribers a body corporate with the style of "The President Managers and Company of the Susquehanna and Conewago Canal." Real and personal estate not to exceed one million of dollars. 3. Proceedings to organize the corporation. A president, ten managers, treasurer and other officers necessary to

1813. be chosen by ballot. Company to make by-laws, &c. No person to have more than five votes. 4. Stockholders to meet annually on the 1st of April to elect officers and transact business. 5. Printed certificates of stock to be issued; and be transferrable. 6. The president and managers may enter on the lands adjoining the Conewago falls, cut a canal forty feet wide round the falls, and open a road thirty feet wide on each side of the canal. Persons injured to apply to the Quarter Sessions of the county in which damage done; who to appoint six freeholders to ascertain the same. The company not to use land for erecting mills or private water works without the owners consent. Company, &c. may enter upon the land contiguous to the canal. Amends to be made for damages. Mode of ascertaining them. On tender of the appraised value may carry away any stone, gravel, &c. to be used in constructing the work. 8. Four members to be a quorum. Their powers. 9. Penalty on stockholders neglecting to pay their instalments.]

When canal completed to be vested in the company. SECT. 10. *And be it further enacted by the authority aforesaid,* That when the said canal and lock navigation shall be completed of a sufficient and convenient width not less than forty feet, of a length sufficient to pass and extend beyond all obstructions created in the navigation of said river by means of the Conewago falls, and of sufficient depth to carry through the whole distance of the said canal a body of water at least three feet deep, the property of the same shall be vested in the said company, their successors and assigns forever; and the said company their successors and assigns, their agent or agents are hereby authorized and empowered to demand and receive from the owner or owners, or managers of each boat, raft vessel or craft, as follows, *to wit*: For each keelboat, the sum of one dollar; for each ark, the sum of three dollars; for each raft of boards or lumber of any kind, two dollars for each passage up or down the said canal and locks; the said company shall keep and maintain a skilful person for opening the locks for assisting the boatmen in their passage through the same.

May receive toll for the passage of rafts, &c.

Penalty in case of detention. SECT. 11. *And be it further enacted by the authority aforesaid,* That in case any boatman, raftman, arkman, skipper, or person conducting any vessel or craft, who shall have paid or tendered the payment of the toll as aforesaid, and shall be refused a passage one hour, either up or down the said canal at any reasonable time of the day, to wit, between sun-rising and sun-setting, such boatman, raftman, arkman, skipper, or other person conducting any of the aforesaid vessels or other crafts, not exceeding the dimensions of the said canal, may apply to any justice of the peace on either side of the river, who shall, on complaint made and substantiated by oath or affirmation, issue process to bring the proprietor or proprietors of the said canal, their tenant or tenants, agent or agents, so refusing, before him, who upon appearance or upon proof of the due service of the process, and if he or they do not appear, he shall proceed to hear the complaint or complaints of such boatman, raftman, arkman, skipper or other person conducting such craft or vessel as aforesaid; and if the said complaint or complaints shall be well founded, he shall give judgment in favour of such boatman, raftman, arkman, skipper, or other person conducting any such craft or vessel as aforesaid, for the

sum of twenty dollars for every boat, raft, ark or other vessel, or craft, which was so refused a passage as aforesaid; and if not paid on the passing of said judgment, the justice shall issue execution for the same directed to the proper officer, for the satisfaction of which, all the property of said company, their tenant or tenants, agent or agents, which may be found on the premises appurtenant to the said canal, shall be liable: *Provided*, That such suit or suits shall be brought within thirty days after such refusal of passage as aforesaid: *And provided*, That the said canal shall be and remain always a public highway, and if the said company or their successors shall neglect or refuse as aforesaid, and shall not use every proper exertion to keep the said canal and locks in repair during any period of six months, the said company shall be liable to a penalty of one hundred dollars a month for every month thereafter that the said canal is out of repair to be recovered in manner aforesaid by him or them that shall sue for the same.

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Proviso.

SECT. 12. [Company not to issue notes, &c. in nature of bank notes &c. 13. May erect water works, &c.: *Provided*, The navigation be not thereby injured. 14. Ten years allowed for completing the canal. 15. Charter privileges may be resumed, &c. 16. After the year 1850 the legislature may purchase the interest of the company. Five persons to be chosen on each side, who to appraise its value on oath or affirmation, and may report to the legislature. Rights to water works &c. not to be affected by such purchase.]

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 77.

## CHAPTER 3793.

An act to extend the fifth section of the act, entitled, "An act laying a tax on dogs in certain counties, and for other purposes". [Vol. 5, p. 36.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the fifth section of the act, entitled, "An act laying a tax on dogs in certain counties, and for other purposes," passed the twenty-third day of March, one thousand eight hundred and nine, be and the same is hereby extended and declared to be a general law throughout the commonwealth. (u)

5th section of the act 23d of March, 1809, made general.

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 89.

(u) SECT. 5. If any dog shall be seen worrying sheep, it shall be lawful for any person seeing the same, to kill such dog; or if any dog shall have been known to worry sheep, and information thereof be given to the owner of such dog, if he does not kill or cause him to be killed, he shall make full compensation for all damages done by said dog, and any person seeing said dog running at large may lawfully kill him. (Vol. 5 p 36. see ch. 3718, and ch. 4947, and notes thereto.)

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## CHAPTER 3796.

[Vol. 5, p.  
228.]

A supplement to "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes."

Certain powers vested in the auditor general.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the several powers vested in, and duties enjoined on the state treasurer by the tenth section of the act to which this is supplementary, are hereby vested in and enjoined on the auditor general, except as to suits heretofore commenced in pursuance of said section. (v)

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 89.

(v) SECT. 10. The state treasurer immediately upon the receipt of a copy of any public accounts, agreeably to the next proceeding section, shall proceed to recover the amount or balance due thereby to the commonwealth, by due course of law, for which purpose he is hereby authorized to employ and pay attornies and all other persons, and to do all things by himself, or by such attornies or other persons whom he may employ, which may be necessary, and are proper in the recovery of public monies. (Vol. 5, p. 228.)

## CHAPTER 3800.

[Incor. vol. 4, An act directing the manner in which certain money appropriated in aid of the p. 359.]  
Milford and Owego turnpike road shall be expended.

SECT. 1. [WHEN it shall appear to the satisfaction of the governor, that 20 miles of the road are finished within the bounds of Wayne county commencing at or near the river Delaware, where the intended bridge is to be built, he shall draw his warrant for 10,000 dollars, which the state treasurer is required to pay.]

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 91.

NOTE.—By the act (ch. 4437, sect. 39,) the governor is required to draw his warrant for 10,000 dollars, heretofore appropriated, provided the company give sufficient security to the governor that the same shall be expended according to the true intent of the act in the text.

The governor to subscribe 5000 dollars to the stock; and as soon as five miles shall be completed between the 43d mile stone, and Montrose, he shall draw his warrant for 1250 dollars, and a like sum for every five miles, (ch. 4437, sect. 23.)

Time for completing the road, extended to 1st of December 1826, (ch. 4870.)

The governor authorized to subscribe 16,000 dollars to the stock of the company, and as soon as five miles of the road is completed between Montrose and the Philadelphia and Great Bend turnpike he is required to draw his warrant for a sum in proportion to the whole distance, and a like sum for every five miles, until the whole sum shall be drawn. The money to be first applied to making the unfinished part of the road, (ch. 4988, sect. 9.)

No gate to be erected within two miles of the town of Milford in Pike county, (ch. 5025.)

## CHAPTER 3802.

[Vol. 4, p. 67, A supplement to the act, entitled, "An act to establish a Board of Wardens for the sup'ts. ch. Port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned." 3914, 4359, 4489, 4824.]

SECT. 1, 2, and 3, [EXPIRED, being limited to the continuance of the existing war with Great Britain.]

**SECT. 4.** *And be it further enacted by the authority aforesaid,* 1813.  
That it shall not be lawful for any licensed pilot to demand, ask or receive for the pilotage of any vessel, or for any other services for which compensation is fixed by law, a greater sum than is authorized by this act and the act to which this is a supplement; and it shall be the duty of the wardens of the port of Philadelphia, whenever it shall have been satisfactorily proven to them that any licensed pilot had demanded, asked or received for the pilotage of any vessel, or his services on board any vessel, a greater sum than is authorized by this act, to deprive such pilot of his license for the term of one year from the time when proof thereof shall have been made to them.

Penalty asking, &c. greater sum than allowed.

**SECT. 5.** [So much of the act, vol. 4, p. 67, as is inconsistent with this, suspended during the war with Great Britain.]

Passed 29th March, 1813—Recorded in Law Book No XIV. p. 99.

**NOTE.**—For a general reference to the laws on this subject, see vol. 4, p. 80, and ch. 4824, and notes thereto.

## CHAPTER 3803.

An act to extend the state road laid out from Somerset to the borough of Washington, to the western boundary of this state.

**SECT. 1.** *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be and he hereby is authorised and required, on or before the first day of May next, to appoint three disinterested commissioners, one of whom shall be a practical surveyor, to lay out and distinctly mark a state road fifty feet wide, beginning at the town of Washington in the county of Washington, and running thence the best and nearest rout to West Middleton in said county, and thence to intersect the line of the state at the point where the present road from Charleston in the state of Virginia to Washington crosses the same; and the said commissioners or a majority of them shall proceed to lay out and mark the road at such time as the governor shall direct, and shall cause two drafts thereof to be made and deposited, one in the office of the secretary of the commonwealth, and the other in the office of the clerk of the Court of Quarter Sessions of the Peace, in the county of Washington aforesaid; and the said road shall thenceforth be to all intents and purposes a state road; and the said court is hereby authorized and required to cause the same to be opened and kept in repair, in the same manner that roads laid out by order of court are or shall be by law opened and repaired: *Provided always,* That the said road shall be laid upon such ground as when opened shall not exceed an elevation of five degrees above a horizontal level.

Company to lay out a road from town of Washington, &c.

When to proceed.

To make two drafts.

To be kept in repair as other roads.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That each of the said commissioners before they enter upon the performance of the duties aforesaid, shall take and subscribe before

Commissioners to take an oath.

1813.  
Compensation.

some justice of the peace of the said county, an oath or affirmation faithfully and impartially to perform the duties required of them by this act; and the said commissioners shall each receive two dollars per day for his services, and one dollar shall be paid to two chain carriers, and one marker, each, during the time they shall necessarily be employed in viewing and laying out the said road, out of the treasury of the county of Washington aforesaid.

Passed 29th March, 1813.—Recorded in Law Book No. XIII. p. 103.

## CHAPTER 3804.

[Vol. 1, p. 18.]

A supplement to the act, entitled "An act for regulating weights and Measures."

Penalty for altering measure, &c.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons shall counterfeit the brands and marks, or either of them, of the sealer of measures in the city and county of Philadelphia, or shall presume to buy or sell by any measure, not sealed, branded or marked, according to the directions of the act to which this is a supplement, or shall alter the size of any vessel with a fraudulent intent, after being sealed, branded or marked by the proper officer, he, she or they, being thereof legally convicted, shall forfeit and pay any sum not exceeding thirty dollars, one half thereof to be paid to the informer, and the other half to the commonwealth.

Penalty for selling measures, within the city and county of Philadelphia not branded by the officer.

SECT. 2. *And be further enacted by the authority aforesaid,* That if any person or persons shall, within the city and county aforesaid, presume to sell or offer for sale any dry measure whatever, not sealed, impressed or branded by the sealer of measures, according to law, he, she or they, upon conviction thereof, shall forfeit and pay any sum not exceeding ten dollars, to be appropriated as aforesaid.

Penalty on sealer of measures, for stamping illegal measures.

SECT. 3. *And be it further enacted, by the authority aforesaid,* That if the said person who may be appointed sealer aforesaid, shall at any time stamp or seal any measure that does not agree with the standard now in force, and being duly convicted thereof, shall forfeit and pay any sum not exceeding ten dollars to the guardian of the poor of the proper ward, township or district, for the support of the poor thereof: or shall refuse or neglect to do any thing enjoined on him, in and by an act, passed in one thousand seven hundred, entitled, "An act for regulating weights and measures," or charge more fees than is directed by said act, and being duly convicted thereof, he shall forfeit and pay any sum not exceeding fifty dollars, one half to the informer, the other for the use of this commonwealth.

Penalty neglect of duties.

Extension.

Penalties to be recovered as other debts.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all proceedings for the recovery of penalties incurred in pursuance of this act, shall be proceeded in, and recovered before any alderman or justice of the peace of the proper ward, township, or

district, in the same manner, and be subject to like appeal, as debts of the same amount are now recoverable. 1813.

SECT. 5. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered or supplied, is hereby repealed. Repealing  
clause.

Passed 29th March, 1813—Recorded in Law Book No. XIV. p. 105.

NOTE.—Grain usually bought and sold by measure to be regulated according to the following standard, viz. the weight of a bushel of wheat to be 60, of rye or corn 58, of barley 47, of buckwheat 48, and of oats 32 pounds.

Foreign salt to be bought and sold by weight per bushel viz. coarse salt 85, grained salt 70, and fine salt 62 pounds. Nothing in the act to prevent selling or buying by measure, (ch. 4547.)

The bushels for measuring lime in the

City and County of Philadelphia, Bucks, Montgomery, Delaware, Chester, Lancaster and York to be  $13\frac{1}{2}$  inches diameter at the bottom, and 15 at the top, and 13 inches and  $\frac{47}{100}$  perpendicular depth in the clear. The Court of C. P. to appoint persons to procure a brand and make every bushel; his qualifications and duties. Penalty of 5 dollars imposed for using a bushel not stamped, (ch. 4718.)

See vol. 1, p. 18, and notes thereto.

# ACTS

OF THE

## General Assembly of Pennsylvania,

Passed at a session which commenced on the 7th day of December, 1813, and ended the 28th March, 1814.

1813.

SIMON SNYDER, GOVERNOR.

PRESLY CARR LANE, }

WALTER LOWRIE, }

ROBERT SMITH, }

JOHN ST. CLAIR, }

SPEAKERS OF THE SENATE.

SPEAKERS OF THE HOUSE OF

REPRESENTATIVES.

### CHAPTER 3807.

A supplement to an act entitled "An act erecting a part of Northumberland county, into a separate county, to be called Columbia."

#### SECT. 1. [Obsolete.]

Suits commenced before the first Monday of January 1814 shall not be affected by this act or the original.

All criminal prosecutions, certioraries, &c. which have originated before the first Monday of January 1814, how to be proceeded in.

Test day.

Repealing section.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no suit or prosecution which has been heretofore commenced or shall commence before the first Monday of January, one thousand eight hundred and fourteen, in the courts of the county of Northumberland, shall be delayed, discontinued or affected by this act, or the act to which this is a supplement, but the same shall be proceeded in and carried into complete execution.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all certioraries of and appeals from the judgment of any justice of the peace of the said county of Columbia, and all criminal prosecutions which have originated or may originate before the first Monday of January, one thousand eight hundred and fourteen, in said county, shall be proceeded in as heretofore in the Courts of Common Pleas and Quarter Sessions of the county of Northumberland, and all process to issue from the courts of the said county of Columbia returnable to the second term in said county, shall bear test as of the first Monday of January, one thousand eight hundred and fourteen.

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is suppli-



ed, altered or amended by this act, be and the same is hereby repealed.

1813.

Passed 22d December, 1813.—Recorded in Law Book No. XIV. p. 118.

NOTE.—See ch. 3707, and 3708, and notes thereto.

## CHAPTER 3808.

An act to enable the governor of this commonwealth, to incorporate a company for making an artificial road, by the best and nearest route, from the Philadelphia and Lancaster turnpike road, through the village of Strasburg in Lancaster county, to the Susquehanna bridge at M'Call's ferry, and from thence to the city of Baltimore.

SECT. 1. [COMMISSIONERS appointed. Their duty. To give notice of the time of opening books. May adjourn from time to time. Five dollars a share to be paid on subscribing. 2. When 250 shares subscribed, the commissioners to certify to the governor, who to issue letters patent, creating them a body corporate by the name of "The President Managers and Company of the Baltimore and Strasburg Turnpike Road." 3. Proceeding to organize the corporation. Officers to be a President, 12 Managers and a Treasurer chosen by ballot. Company to make by-laws, &c. No stockholders to have more than five votes. 4. Time of holding annual elections 1st Monday in June. Majority of stockholders may make new by-laws, or alter them. 5. Certificates of stock to be issued, and be transferable. 6. Five managers to be a quorum with power to transact the business. Managers to keep a record of their proceedings. 7. Penalty on persons neglecting to pay instalments. When their shares forfeited. No stockholder in arrears to be entitled to vote. 8. The company or their agents may enter on lands, &c. (except turnpikes) through which the road expected to pass, to survey the ground, lay out the road, and search for materials. The road to be by the shortest and most eligible rout from the Philadelphia and Lancaster turnpike road through Strasburg to the Susquehanna at M'Call's ferry, thence to Baltimore. 9. Company having first given notice to the owners and made amends for damages may enter on adjacent lands, &c. take materials for the road. If parties cannot agree, damages to be appraised by three freeholders mutually chosen. If the owners refuse to join in the choice the appraisers to be appointed by a justice of the peace. 10. Company authorized to erect bridges, &c. Road to be sixty, artificial part at least twenty feet wide. No toll to be demanded from persons passing from one part of their farm to another, going to or returning from funerals or places of worship, from militia trainings, or from elections. 11. As soon as ten miles completed, and afterwards for every 5 miles, notice to be given to the governor of the proper state, who to appoint viewers. Upon their reporting the work to be well executed, a licence to be granted for demanding toll. Penalty for demanding toll before obtaining a licence. 12. When road perfected and approved, toll gatherers to be appointed. Rates of toll.]

SECT. 13. *And be it further enacted, by the authority aforesaid,*

1813.



That if person or persons owning, riding in, or driving, any carriage of burden or pleasure as aforesaid, or owning, riding, leading or driving, any horse or mule, or driving any hogs, sheep or cattle as aforesaid, shall with an intent to defraud the said company or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act, or if any person or persons shall with the intent aforesaid take off or cause to be taken off, any horse or other beast or cattle of draught or burden from any carriage of burden or pleasure, or shall practice any other fraudulent means or devise, with the intent to evade or lessen the payment, of any such toll or duty, all and every such person or persons offending in manner aforesaid shall for every such offence respectively, forfeit and pay to the president, managers and company of the Baltimore and Strasburg turnpike road the sum of fifteen dollars, to be sued for and recovered with cost of suit before any justice of the peace, in like manner and subject to the same rules and regulations as debts of equal amount are or may be by law recoverable.

Penalty defrauding company.

Procedure when the road is out of repair.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road in good repair for the space of ten days, and information thereof shall be given to any two justices of the peace for the proper county such justices shall issue a precept to be directed to any constable, commanding him to summon five judicious and disinterested freeholders, to be named by said justices, to meet at a certain time in the said precept to be mentioned, at the place in the said road which is complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justices shall at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road or any part thereof is in such good repair as aforesaid, and shall cause an inquisition to be made under their hands and seals, and under the hands and seals of the said freeholders, and if the said road shall be found by the said inquisition to be out of repair contrary to the true intent and meaning of this act, they shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which said defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid or collected until it shall have been certified by the said freeholders or a majority of them, that the said defective part or parts of the said road have been put into good and perfect order and repair as aforesaid; and if any of the keepers of the gates aforesaid shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid from any traveller, during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same the sum of five dollars, to be recovered before any justice of the peace as debts of equal amount are or may be by law recoverable, but if the same road shall not be put into good repair before the next ensuing Court of Quarter Sessions



of the proper county, the said justices shall certify and send a copy of the said inquisition to the justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons entrusted by the company with the care and the superintendence of such part of the said road as shall be found defective as aforesaid, and shall direct a bill of indictment to be sent to the grand inquest against the person or persons entrusted as aforesaid, and upon conviction shall give such judgment according to the nature and aggravation of the neglect as the said court in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty nor exceeding one hundred dollars, and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to repair at the public expence thereof.

Penalty, and how to be recovered.

SECT. 15. [The president &c. to keep accounts of receipts and expenditures and submit them annually to the stockholders. Number of shares may be increased if necessary. 16. An account of tolls to be kept. Gates not to exceed one for every five miles. Dividend to be made of clear profits, a reasonable fund for repairs &c. being first deducted 1st December and June. 17. An abstract of the accounts of the company to be laid before the legislatures of Maryland and Pennsylvania every third year. 18. Indexes to be erected at crossroads, and intersections of other roads. Mile-stones to be put up on the side of the road. A printed list of tolls to be put up at each gate. If at the end of 3 years it shall appear that the annual dividend is less than six per cent, the tolls may be increased, so much as to raise it to six per cent. and if it shall appear by any succeeding abstract that it exceeds ten per cent. the tolls to be diminished so as to reduce it to that amount.]

SECT. 19. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully break, deface, pull up, or prostrate any mile-stone or mile post which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or shall wilfully break, pull down, deface, destroy, or injure any direction-post which shall be erected in pursuance of this act at the intersection of any road as aforesaid, or the board or index hand affixed thereto in conformity with the directions of this act, or shall obliterate the letters or figures inscribed or marked thereon, or destroy, deface, or obliterate the letters, figures or other characters marked at any turnpike or gate which shall be erected in pursuance of this act, for all or any of the purposes therein mentioned, or the whole or any part of any printed list of rate of the tolls which shall be affixed in pursuance of the directions of this act at such gate or turnpike, he or they so offending in the premises shall, and each of them shall, for every such offence, severally and respectively forfeit and pay to the said president, and managers and company the sum of twenty dollars, to be sued for and recovered with costs of suit before any justice of the peace in manner aforesaid.

Penalty destroying index hand or mile-stone.

To be recovered before a justice of the peace.

SECT. 20. *And be it further enacted by the authority aforesaid*,

1813.

Drivers to  
keep to the  
right.

Penalty for  
neglect.

That all waggoners, carters, and drivers of carriages of all kinds, whether of burden or pleasure, using the said road shall, except when overtaking and passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction leaving the other side of the said road free and clear for other carriages to pass and repass, and if any carter, waggoner, or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding six dollars, to any person who shall by reason thereof, be obstructed in his passage, and will sue for the same, before any justice of the peace, to be recovered with costs in like manner aforesaid.

Penalty col-  
lecting illegal  
tolls.

How recove-  
rable.

SECT. 21. *And be it further enacted by the authority aforesaid,* That if any toll-gatherer on the said road shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorized and allowed, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half to the use of the supervisors of the roads or highways of the township in which the forfeiture shall be incurred, and the other half to the use of the person suing for the same, to be recovered before any justice of the peace of the county, where such offence shall have been committed.

Penalty insti-  
tuting vexa-  
tious prose-  
cutions, &c.

SECT. 22. *And be it further enacted by the authority aforesaid,* That if in the case of any suit or prosecution which shall be commenced under the directions of this act for the penalty incurred under the same, whether by or against the said company, their servants, or assignees, the said suit or prosecution shall not be sustained by the plaintiff or prosecutor, then and in such case, the person or persons prosecuted as aforesaid shall recover by the judgment of the justice before whom such suit or prosecution shall be depending, or by action before the Court of Common Pleas of the proper county, (if such prosecution had been instituted before the Court of General Quarter Sessions of the Peace,) such sum not exceeding the amount of the penalty for which the suit or prosecution shall be commenced, as shall be deemed a reasonable retribution for the vexation of such suit or prosecution.

All suits to be  
brought with-  
in six months.

SECT. 23. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the fact committed, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act.

SECT. 24. [This law not to take effect until a similar one has been passed by the legislature of Maryland. The road to be commenced in three, and completed in ten years. 25. After the year 1845, the legislature may purchase the right of the company at a fair valuation, and make the road free. 26. (Obsolete.)]

Passed 22d December, 1813.—Recorded in Law Book No. XIV. p. 120.

NOTE.—The Legislature of the state of Maryland, 1814, re-enacted this act with the following title and preamble, viz.

No. 126. *An act to incorporate a company for making an artificial road by the best and nearest route from the Philadelphia and Lancaster turnpike road, through the village of Strasburg in Lancaster county to the Susquehanna bridge at M'Call's ferry, and from thence to the City of Baltimore.*

WHEREAS the legislature of Pennsylvania by their act entitled "An act to enable the governor of this commonwealth to incorporate a company for making an artificial road by the best and nearest route from the Philadelphia and Lancaster turnpike road through the village of Strasburg in Lancaster county to the Susquehanna bridge at M'Call's ferry, and from thence to Baltimore," have enacted as follows:

[Here the Pennsylvania law in the text is recited at length.]

*Be it enacted by the General Assembly of Maryland,* That the above recited act be and the same is hereby adopted and declared to be a law of the state of Maryland, and when two hundred and fifty or the whole number of shares shall be subscribed the stockholders in said company shall be, and are hereby incorporated and constituted a body politic, by the name and style of "The President, Managers and Company of the Baltimore and Strasburg turnpike road," and by the same name the said subscribers shall have succession during the continuance of this incorporation, and all the privileges and franchises of or incident to a corporation and shall be capable of suing and being sued, answering and being answered, and of making a seal, and altering, breaking and renewing the same according to their will and pleasure, and of

doing all other things which a corporation or body politic may lawfully do.

*And be it enacted,* That the appraisers to be appointed in pursuance of the ninth section of said recited act, shall in this state be appointed by the county court of Baltimore or Hartford county as the case may be, and all offences, provided by the act aforesaid to be cognizable and punishable by and before the courts of Quarter Sessions or of Common Pleas in the commonwealth of Pennsylvania shall be cognizable and punishable by and before the courts of this state having jurisdiction in like cases.

*And be it enacted,* That in any case wherein it is provided by the act aforesaid that the governor of Pennsylvania may issue a licence under his hand and the lesser seal of the commonwealth, the governor of Maryland shall and may issue a license under his hand, and that the forfeitures and penalties provided by the said act to be paid to the supervisors of townships or highways, shall in this state be paid to the levy courts of Baltimore and Hartford counties respectively (as the case may be) for the use of such counties.

*And be it enacted,* That in Maryland said road shall proceed from the city or eastern precincts of the city of Baltimore and not from or over any other turnpike road.

*And be it enacted,* That the governor of the state of Maryland be and he is hereby required to cause a certified copy of this act to be transmitted to the governor of the commonwealth of Pennsylvania.

Passed 24th January 1814.

## CHAPTER 3809.

An act to enable the governor to incorporate a company for making an artificial road, beginning at the intersection of the Egypt road with the Ridge turnpike road, two miles above Norristown, in the county of Montgomery, and thence to Pawling's ford bridge over the river Schuylkill. [Sup. ch. 4141.]

SECT. 1. [COMMISSIONERS appointed. Their duty. Price of shares fifty dollars. Commissioners to give notice of the time and place of opening books. One or more to attend. May adjourn from time to time, giving notice. When 450 shares are subscribed, books to be closed. Five dollars a share to be paid on subscribing. 2. When 150 shares subscribed by thirty persons, commissioners to certify to the governor, who to issue letters patent creating the subscribers a body politic by the name, &c. of "The Egypt Turnpike Company." 3. Proceedings to organize the corporation. Corporate officers to be a president, eight managers and a treasurer, chosen annually by ballot. Company may make by-laws, &c. No person to have more than five votes. 4. Route to be as near as pos-

1814.

sible along the bed of the present road, beginning at the intersection of the Egypt road and the Ridge turnpike road, at the house of Isaac Markley, sign of Jefferson, in Norriton township, thence to the house of Andrew Jack, sign of the White Horse in Lower Providence, and thence to Pauling's Ford bridge, so as not to injure the present buildings on said road. Nothing herein contained to be construed to authorize the company, &c. to enter on any land, &c. without the consent of the owners, except necessary to make the road of the proper width. 5. Annual meetings of the company to be on the 2d Monday in January. Company may alter or repeal by-laws. 6. The company shall erect permanent bridges over streams, &c. Road to be not more than 50 nor less than 40, and the artificial part to be at least 24 feet wide. Not to vary more than four degrees from a horizontal line. A good summer road to be made and kept in repair, where places will admit it. 7. Notice to be given to the governor when one half is completed, who shall appoint viewers, and upon their reporting favorably to grant a licence to erect gates and receive toll-rates. This company to have all powers and privileges not herein before enumerated, and be subject to all the duties, penalties, &c. which are by law prescribed for the "Ridge Turnpike Company," (vol. 5, p. 242.) The work to be commenced in two [extended to three] years from 25th January, 1816 and completed in seven [extended to six] years from 25th January, 1816, (ch. 4141.)]

Passed 15th January, 1814.—Recorded in Law Book No. XIV. p. 137.

## CHAPTER 3810.

An act to enable the governor to incorporate a company for making an artificial road from the Milford and Owego turnpike, where Broad street in the town of Milford intersects the same, thence by the nearest and best route to Carpenter's ferry, on the river Delaware.

SECT. 1. [COMMISSIONERS named. Their duty. To procure books; to give notice of the time and place of receiving subscriptions. May adjourn from time to time. To close the books when 200 shares subscribed. Five dollars a share to be paid on subscribing. 2. When forty persons have subscribed 100 shares, commissioners to certify to the governor, who to issue letters patent creating the subscribers a body corporate by the name and style of "The President, Managers and Company of the Milford and Station Point Turnpike Road." 3. Proceedings to organize the corporation. Corporate officers to be a president, eight managers and treasurer, and such others as the company may think proper. Company may make by-laws. To have the same privileges and be subject to the same restrictions as the "President, &c. of the Co-shocton and Great Bend Turnpike Road," Vol. 4, p. 176. No toll to be demanded of persons passing from one part of their farms to another, going to or returning from funerals, places of worship, militia musters or elections. Road to be commenced in three and finished in seven years.]

Passed 21st January, 1814.—Recorded in Law Book No. XIV. p. 143.

## CHAPTER 3811.

1814.

An act to authorize the governor to incorporate a company to erect a toll bridge over Big Beaver creek, at or near Wolf lane in the county of Beaver.

[Sup. ch.  
4189.]

SECT. 1. [COMMISSIONERS named. To procure books for receiving subscriptions. 2. To pursue the course in procuring the same as is directed by the act, vol. 5, p. 149, for incorporating a company to erect a bridge over Big Beaver creek, opposite the town of Brighton. When 25 persons have subscribed 100 shares, commissioners to certify to the governor, who to issue letters patent incorporating the subscribers by the name of the "President, Managers and Company for erecting a bridge over Big Beaver creek, at or near Wolf Lane, in the county of Beaver." 3. To perform the same duties, enjoy the same privileges and be subject to the same restrictions, &c. as the President, &c. for erecting a bridge over Big Beaver creek, opposite the town of Brighton, vol. 5, p. 149.] (*w*)

Passed January 21st, 1814.—Recorded in Law Book No. XIV. p. 147.

(*w*) The present site of the bridge as erected confirmed as if it had been fixed in this act, and the company authorized to erect a toll house and the same vested in the company, (ch. 4189.)

## CHAPTER 3812.

An act authorising the governor of this commonwealth to incorporate a company for the purpose of making an artificial or turnpike road from the Lancaster and Susquehanna turnpike road, near the river shore in the town of Columbia, from thence up the river shore to the intersection of Front street, in the borough of Marietta, thence along said Front street to the intersection of Bridge street in the said borough.

SECT. 1. [COMMISSIONERS named. Their duty. To give notice of the time of opening books. May adjourn from time to time. Books to be closed when 1000 shares subscribed. Three dollars a share to be paid on subscribing. 2. When 300 shares subscribed by 100 persons, commissioners to certify to the governor who to issue letters patent creating the subscribers a body corporate by the name of "The President, Managers, and Company of the Columbia and Marietta Turnpike road," 3. Proceedings to organize the corporation. Corporate officers to be a president, eight managers, a treasurer, and such others as the company may think proper to be chosen by ballot. Company to make by-laws. To have the same privileges, be liable to the same restrictions, and entitled to the same tolls and profits as "The President, Managers, and Company of the Lancaster and Susquehanna turnpike road." (vol. 3, p. 191.) The road not to exceed twenty feet in width where it passes through solid rocks. No toll to be demanded of persons passing from one part of their farms to another, going to and returning from funerals, places of worship and militia trainings. Road to be commenced in four and finished in seven years. 4. To be begun at the south end of Point rock and completed from thence to Chickeys creek before any other part is commenced.]

Passed 21st January, 1814.—Recorded in Law Book No. XIV. p. 143.

## CHAPTER 3813.

1814.

An act allowing compensation to constables for attending the several courts within this commonwealth.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of April next, it shall be the duty of the judges of the several Courts of Quarter Sessions, Oyer and Terminer, and Common Pleas within this commonwealth, after the constables shall have made their returns on the first day of the sessions, to ascertain the number of constables attending, and to select a sufficient number to attend during the term of the said court, and to discharge the other constables and to select for every court thereafter until a new election of constables shall be held: *Provided,* That no constable shall be obliged to serve more than one week at any one time, until the whole list shall have been gone through; and when an adjourned court shall be held, it shall be the duty of the sheriff to give notice to the constable or constables selected by the judges to attend at the said adjourned court.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk or prothonotary of any of the said courts as the case may be, to certify the name or names of the constable or constables, and the number of days each constable shall have attended, to the commissioners of the proper county, who shall thereupon draw their warrant on the county treasurer in behalf of the said constable or constables, for one dollar for each and every day he or they shall have respectively attended: *Provided,* That the said constables shall not be allowed pay for the day on which they shall make their returns to the Court of General Quarter Sessions of the Peace. (x)

Passed 21st January, 1814.—Recorded in Law Book No. XIV. p. 152.

(x) The Court of Quarter Sessions of the county, and the Mayors Court of the city of Philadelphia are authorized to allow the constables attending the said courts respectively a reasonable compensation, not exceeding five dollars, to be paid by an order drawn by the court on the guardians or overseers of the poor, for making a return of the retailers of spirituous liquors within their respective townships or wards, (ch. 4644.)

The returns to be under oath or affirmation, and to specify the name and place of abode of each person retailing.—The said courts are authorized on the presentment of the grand jury to fine the constables for neglect of duty, in this particular a sum not exceeding 50 dollars, (ib.)

See ch. 4644 and notes thereto.

## CHAPTER 3815.

[Vol. 5, p. 315.] A supplement to an act entitled "An act relative to the Courts of Common Pleas in the county of Cumberland."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president of the second judicial district of this commonwealth, with the associate judges of the Court

President of 2d district to hold courts in Cumberland.





of Common Pleas of the county of Cumberland, or any one of them, to hold the special court authorized by the act to which this is a supplement, and to preside at the same.

Passed 21st January, 1814.—Recorded in Law Book No. XIV. p. 153.

## CHAPTER 3816.

An act to incorporate the Washington Steam Mill and Manufacturing Company.

SECT. 1. [THE association established in the borough of Washington incorporated by the name of "The Washington Steam Mill and Manufacturing Company." Clear annual income of their real estate not to exceed 5000 dollars. Company may make by-laws, &c. 2. All the joint stock and estate of the association vested in the corporation. Contracts and engagements entered into by the association prior to the passing of this act to be obligatory on the company. All persons who have heretofore contracted with or become bound to the association to be considered as having contracted with and become bound to the company. Suits may be brought upon all such contracts and obligations. 3. Capitals not to exceed 50,000 dollars to be divided into shares of 100 dollars each, and to be paid in instalments as required by the directors. Instalments not to exceed five per cent. on each share for 30 days without the consent of two thirds of the stockholders. Ten days notice to be given of the time of paying the instalments. 4. The concerns of the company to be managed by seven directors who at their first meeting in each year to choose one of their number for president. Vacancies to be supplied by the remaining directors from among the stockholders. The directors together with a secretary and treasurer to be chosen on the last Monday of December annually by the stockholders. Each stockholder to have votes in proportion to his shares. The present directors to continue in office until others chosen. If the election should not take place on the day herein before directed the corporation not to be dissolved. 5. Stated meetings of the company to be held. The secretary to keep a journal of the votes and proceedings. The acts of the board of directors for the preceding year to be submitted to the stockholders at the general meeting, to be held on the last Monday of December annually. 6. Dividends to be declared in December of each year, or oftener if deemed proper by the direction. No dividend shall be made to impair the capital. 7. Stock to be transferable but not until all the instalments due are paid. When two or more instalments are in arrear, the directors may at their discretion declare it forfeited. 8. Annual meeting of stockholders to be in the last Monday of December. Special meetings may be called upon due notice given. 9. No banking powers to be assumed by virtue of this act. Company to continue thirty years. 10. The corporation to be dissolved whenever they shall misuse or abuse the privileges hereby given.]

Passed 31st January, 1814.—Recorded in Law Book No. XIV. p. 154.

## CHAPTER 3817.

1814.

An act granting to Charles Campbell the exclusive right to use a salt spring, which he has recently discovered in the river Conemaugh.

SECT. 1. [EXCLUSIVE right granted to him, provided that it shall cease if he, his heirs or assigns, shall not have manufactured salt therefrom in 4 years from this day, or wh never he or they shall cease to make salt for a longer term than 4 years. 2. Salt works may be erected provided no injury be done to private property.]

Passed 31st January 1814.—Recorded in Law Book No. XIV. p. 158.

## CHAPTER 3818.

A further supplement to the act, entitled “ An act to encourage the constructing of certain great and leading roads within this commonwealth, and the erection of bridges over the Susquehanna at Harrisburg, Northumberland, Columbia and M’Call’s ferry.”

SECT. 1. [DIRECTS the manner in which the instalments of the state’s subscription (under act vol. 5. p. 270) to the bridge over the Susquehanna at Harrisburg, shall be paid.]

Passed 31st January, 1814.—Recorded in Law Book No. XIV. p. 158.

NOTE.—By a sup. (ch. 4314) the last instalment of 22,500 dollars, and the governor is authorized to draw for the company permitted to raise certain tolls.

## CHAPTER 3820.

[See ch. 4583  
sec. 7.] An act authorizing the governor to incorporate a company for erecting a bridge over the river Susquehanna, at or near the borough of Marietta, in the county of Lancaster.

SECT. 1. [COMMISSIONERS named. Their duty. To give notice of the time and place of opening books. May transfer them from place to place and adjourn from time to time upon giving public notice. Books to be closed when 1500 shares subscribed. Five dollars a share to be paid on subscribing. 2. As soon as fifty persons have subscribed five hundred shares, the commissioners may certify it to the governor, who shall thereupon issue letters patent constituting the subscribers a body corporate by the name of “ The President, Managers and Company for erecting a Bridge across the river Susquehanna at or near the Borough of Marietta, in the county of Lancaster.” If more money be subscribed and paid than is necessary for building the bridge, the surplus to be returned. 3. Proceedings to organize the corporation. Company may make by-laws. No person to have more than five votes. 4. Stockholders to meet annually on the first Monday in January. 5. Certificates of stock to be issued and be transferable. 6. Five of the managers to be a quorum. 7. Five stockholders to be appointed by the company to examine and report the most convenient site for the bridge and treat for the purchase of the necessary ground ; to be afterwards determined upon by the stockholders. 8. Penalty for

non-payment of instalments, 5 per cent per month, &c. 9. The president and managers, &c. may enter upon any lands or inclosures near the place where the bridge to be built, to examine the ground and procure materials, first giving notice to the owners, repairing breaches, and making amends for damages. Damage to be ascertained by three freeholders to be chosen by the parties. Navigation not to be obstructed. 10. Correct accounts to be kept of receipts and expenditures and submitted to the stockholders at their meetings. The number of shares may be increased if necessary for completing the work. 11. Rates of toll. Persons returning from public worship, attending funerals, militia and children school exempted.]

SECT. 12. *And be it further enacted by the authority aforesaid,* That if the said company, their successors or assigns; or any person employed by them, shall collect or demand any greater rates or prices for the passing over said bridge than what is herein-before prescribed, or shall neglect to keep the same in good repair, he or they shall for every such offence, forfeit and pay thirty dollars, one half thereof for the use of the poor of the county of Lancaster, and the other half for the use of the person who shall sue for the same, to be recovered before any justice of the peace in the county of Lancaster: *Provided always,* That no suit shall be brought in this respect unless within thirty days after the offence is committed.

Forfeit for exacting illegal tolls, &c.

SECT. 13. [President, &c. to keep a fair account of tolls received and money expended, and declare a dividend of the clear profits (after reserving a contingent fund) on the 1st Mondays in January and July.]

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break or destroy with intent to injure, any part or parts of the said bridge, or any toll house, gates, bars, or other property of the said corporation, appurtenant to or erected for the use or convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully and without the consent and orders of the said corporation, or any person or persons authorized by them, deface or destroy the letters or figures or other characters, in any written or printed list of the rates of tolls, in any place or places for the information of passengers and others, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending shall each of them forfeit and pay for every such offence to the said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of equal amount are recoverable; and he, she or they so offending, shall remain liable to actions at the suit of the said corporation, for such wrongs, if the sum or sums that are herein mentioned be not sufficient to repair and satisfy said damages: *Provided always,* That no suit shall be brought unless it be within thirty days after such offence shall have been committed.

Penalty for injuring any works of the company.

Proviso.

SECT. 15. [Abstract of accounts to be laid before the legislature every 3d year. Provision for increasing the tolls if profits will not bear a dividend of six per cent and for receiving them. 16. Corporate privileges to be forfeited if the work be not begun in three and completed in ten years from this day, and if the company shall mis-

1814. use or abuse the powers hereby granted. 17. The company to forfeit their privileges if they institute a bank or carry on any business in the nature of banking, or invest any part of their capital in any unincorporated bank.

Passed 7th February, 1814.—Recorded in Law Book No. XIV. p. 160.

NOTE.—By act ch. 4583, new commissioners were appointed and the subscribers directed to be incorporated when 500 shares should have been subscribed. By the same act, the act in the text was re-enacted and revived with alterations and amendments.

## CHAPTER 3821.

[Vol. 3, p. 433, see also act vol. 3, p. 66, and notes thereto.] A supplement to the act entitled, "An act declaring the power and authority given by any last will and testament to executors to sell and convey real estates, to be and remain in the survivors or survivor of them, unless otherwise expressed in the will of the testator, and for other purposes therein mentioned."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all the powers and authority vested in administrators with the will annexed, in case of death, refusal, renouncing or dismissal of the executor or executors, by the act to which this is supplementary, be and are hereby extended to, and vested in administrators with the will annexed, in those cases where no executor or executors shall have been appointed, to be exercised as fully as any executor or executors might have done if appointed.

Passed 7th February, 1814.—Recorded in Law Book No. XIV. p. 169.

NOTE.—The mode of proceeding is directed to compel the performance of parol contracts for the conveyance of lands &c. by persons deceased where such contracts have been so far in part executed as to render it unjust to rescind the same, and a remedy is prescribed for the recovery of the consideration money, (ch. 4548.)

Where lands &c. have or may be granted by deed reserving rent and granting the privilege of demanding an extinguishment, and the owner of the rent hath died by which the rents reserved became vested in minors, trustees or others not authorized to release; the executors &c. of the grantor or the owners of the rent, guardian of minors or other persons authorized to receive the rent, or the grantee of the land, may apply to the Court of Common Pleas of the county praying that a release of the rent may be executed by the executors, &c. or the owner of the same according to the meaning of the parties to the deed. The court having adjudged the contract obligatory, is authorized to order the release to be executed, which being proved or acknowledged and recorded shall extinguish the rent. The court may in their discretion require of the executor, &c. before executing the release to give a bond with

surety conditioned for the proper application of the money, (ch. 4937.)

Where application is made agreeably to the first section of the act (vol. 3. p. 66.) to have the contract of a decedent executed and the witnesses reside out of the county, the court are authorized to issue a commission to take their testimony, (ib.)

The following cases have been adjudged in the Supreme Court since the passage of the act in the text.

If administrators had the power to sell, it must be either by common law, or act of assembly. At common law they certainly had no such power. When therefore there is in a will a naked power to *executors* to sell lands and they renounce, *administrators cum testamento annexo* had no such authority either at common law or under any act of assembly prior to the act of the 12th March, 1800, (vol. 3. p. 433.) The testator reposes a personal trust in executors whom he knows, whereas, of those to whom administration may be committed he knows nothing. It would be doing violence to his will to say that he intended to give power to his *administrators*. If this power is not found in the will, they have it not at all, for as administrators, they have nothing to do with lands. It was contend-



ed that *administrators cum testamento annexo* have power by the acts of 1705. (1 State laws ap. 44 ) and 22d April 1794, (vol. 3. p. 143, sect. 17.) Both these acts are in the same terms : that in all cases where the register hath used heretofore to grant administration, with a testament annexed, he shall continue so to do, and the will of the deceased in such testaments expressed shall be performed and observed in such manner as it should have been, if this act had never been made. It had been provided, in the parts preceding the seventeenth section, in what manner the estates of deceased persons should be distributed in case of intestacy ; and the meaning of this section evidently is that although the register may commit administration, yet the will of the testator is not to be infringed. The question is, what was the will of the testator? Was it, that the *administrators cum testamento annexo* should sell his lands? No such in-

tention appears, and therefore the act of assembly has no bearing on the case. Lessee of Moody v. Vandyke, 4 Bin. p. 40, decided at Sunbury, June, 1811.

When a power is given by will to several executors to sell, one of whom renounces, and another articulated to convey and receive the purchase money and the vendee took possession evidence of the prior and subsequent declarations of the acting executors, approving and ratifying the sale is admissible and such circumstances establish a parol title upon which the vendee may recover in ejectment, 2 Serg. and Raw. 534.

Evidence is also admissible in such cases, to show a parol agreement by the testator with the vendee, to sell the land on the same terms on which the executor sold, though no money was then paid, nor possession delivered, (ib.)

But declarations made by the vendee in such cases, on taking possession, are not admissible in his own favour, (ib.)

## CHAPTER 3822.

A further supplement to an act entitled, "A supplement to "An act to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties." [Vol. 3, p. 15, and vol. 5, p. 19 ]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the electors, qualified to vote for members of the state legislature shall at their respective general elections within the city of Philadelphia, and the several counties of this state, on the second Tuesday in October, one thousand eight hundred and fourteen, elect three citizens to serve as auditors, of whom the highest in votes shall serve three years, the next highest two years, and the next highest one year ; and the place of each person whose term shall be about to expire, shall be supplied by the annual election of another citizen to serve for three years ; and if any auditor or auditors shall die, remove from the county, or decline to serve in said office, the judges of the Court of Quarter Sessions for such county shall appoint a suitable citizen or citizens to fill the vacancy until the next general election ; *Provided,* That in case two or more persons shall have an equal number of votes, the right or priority shall be decided by lot, to be drawn immediately after the election, in the presence of the commissioners of the proper county. Auditors, &c. to be elected. Vacancies.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of any law as is by this act altered or supplied, shall be and the same is hereby repealed. Repealing clause.

Passed 7th February, 1814.—Recorded in Law Book No. XIV. p. 170.

NOTE.—The citizens of each county, at the general election, are to elect three auditors to meet at the commissioners office, on the first Monday of January annually and at such other times to which they may adjourn ; to settle the accounts of the preceding year agreeably to the act, vol. 3, p. 15. To be allowed one dollar and

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twenty three cents *pr. diem* [increased sixty seven cents, (ch. 3830,) reduced to one dollar and fifty cents, except in the county of Philadelphia, where the compensation is to be two dollars *pr. diem* ch. 4922.] In case of death, removal from the county, or refusal to serve, the Q. S. to supply the vacancy (vol. 5, p. 19.)

The auditors to settle the accounts of former commissioners and treasurers, also the accounts of monies received by sheriffs or coroners agreeably to the act (vol. 4, p. 237,) directing the mode of selecting and returning jurors; to have the same powers as in other cases, and on filing the account in the Prothonotary's office, to be under the same rules and to have same operation as their report against county treasurer, &c. Sheriffs, county commissioners and others having monies from the sales of land for taxes to pay the same to the county treasurer, (vol. 5, p. 161.)

Accounts of the comptrollers of the public schools in Philadelphia to be examined and settled annually, by the auditors of the county. (ch. 4519.)

The accounts of the inspectors of the prison of Philadelphia county, to be annually examined and settled by the auditors in the manner prescribed by law for the settlement of other accounts, (ch. 4527.)

The Board of Health on the 1st Monday of January annually, to exhibit their accounts to the auditors of the county of Philadelphia, who are to audit and settle

the same; to have the same power as in other cases, and on filing a settlement in the Prothonotary's office, it is declared to be under the same rules and to have the same operation as reports against county treasurers, (ch. 4483.)

The commissioners of the respective five counties to superintend the collection of fines and forfeited recognizances, and the auditors to settle the accounts of the same annually. (ch. 4600.)

The auditors chosen by virtue of the act (vol. 5, p. 19) to settle the accounts of the guardians of the poor, managers of the alms house and inspectors of the prison of the county of Philadelphia, agreeably to the act vol. 3, p. 15, (ch. 5069.)

If the auditors do not make their report at the time it ought to be made, viz. at the *next* term of the Common Pleas after the *settlement*, the commissioners are authorized to 60 days after actual notice of such return, to enter an appeal.

Quere, whether such a report though filed is a lien on the real estate of the delinquent commissioner, unless it be so filed by an order of the court, and an entry made on the records thereof.—By the act vol. 5, p. 19, the law is so far altered as to take the appointment of auditors from the court, and to give it to the people. In other respects the act of 1791, vol. 3, p. 15, continues in force, 3 Bin. p. 91.

See act 1791, Vol. 3, p. 15, and notes thereto.

## CHAPTER 3823.

An act providing for the sale of the estate of lunatics, or persons *non compos mentis*, in certain cases.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the several Courts of Common Pleas in this commonwealth shall have power, on the application of the committee of the person and estate of any lunatic, or person *non compos mentis*, to sell the estate of such lunatic, or person *non compos mentis*, lying and being in the county where the application is made, or such part thereof as may be necessary for paying the debts or for the maintenance and support of said lunatic, or person *non compos mentis*, or of his or her family.

SECT. 2. *And be it further enacted by the authority aforesaid,* That every such application shall be accompanied with a statement, on oath or affirmation, by the committee, of the debts against such lunatic, or person *non compos mentis*, as far as the same may be known, of the probable value in ready money of the estate of said lunatic, or person *non compos mentis*, distinguishing the real from

[Sup. ch. 4616.]

The estate may be sold.

Value to be exhibited to the court.

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the personal, of the annual rents and income that might be had from the same, and of the probable sum that would be required annually for his or her support, and that of his or her family, if he or she should have any family. If the said court be satisfied of the necessity and propriety of selling the whole or any part of such estate, they may then grant an order accordingly to the committee to sell the same at public sale, giving such notice thereof as the court may direct, returnable to the next or a subsequent term, and if on the return of the order of sale, the same be confirmed by the court, the said committee shall convey the whole interest, right and title of such lunatic, or person *non compos mentis*, in the estates so sold to the purchaser thereof. And the said committee shall annually thereafter exhibit on oath or affirmation to the said court, a statement of the application of the proceeds of said sale, to be afterwards filed and kept with the records of said court.

Who may grant an order of sale.

Committee to make an annual statement to the court, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That before any sale as aforesaid shall be made, the committee shall enter into recognizance with sufficient security before said court, conditioned for the faithful application of the proceeds of said sales to the purposes aforesaid, during the continuance of his or their guardianship, for their annually accounting as aforesaid, and for the faithful payment of the balance of said proceeds that may be in his or their hands, to his or their successor or successors, or to the heirs and legal representatives of said lunatic or person *non compos mentis*, at the termination of the guardianship of said committee.

To enter into recognizance, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That previously to the granting of any order to sell as aforesaid, the court may require notice of the said application to be given to the next of kin to such lunatic, or person *non compos mentis*, in order to ascertain whether any of the said next of kin would be willing to pay the debts of, or maintain said lunatic or person *non compos mentis*, or his or her family, or contribute in any manner thereto, or can shew any cause why the estate should not be sold according to the provisions of this act.

The next of kin to have notice.

Passed 7th February 1814.—Recorded in Law Book No. XIV. p. 171.

NOTE.—By the 5th art. of the 6th sect. of the constitution of Pennsylvania, the Supreme Court and the Courts of Common Pleas, have the power of a Court of Chancery so far as relates to the case of the persons of those who are *non compos mentis*.

Whenever a contract has been made in writing for the sale of lands, by any person who after making the same shall become lunatic, the purchaser under such contract may proceed to enforce the same against the committee of the estate of the lunatic, as in case of contracts of de-

cedents for the sale of lands, [agreeably to the act, vol. 3, p. 66. See vol. 3, p. 129.]

By a supplement (ch. 4616) to the act in the text, the committee of the lunatic are authorized to mortgage the real estate of the lunatic, having first rendered an account under oath or affirmation, of the debts of such lunatic, and in other respects complied with the directions of the act, vol. 3, p. 66, &c.

Before the return of the inquisition taken under a commission of lunacy, the Court may appoint a receiver of the lunatic's estate. 5 Bin. 613.

## CHAPTER 3825.

1814.

[Ch. 3658.]

A supplement to the act entitled "An act for the relief of disabled, aged, and poor revolutionary officers, and soldiers," passed the twenty fifth day of February, one thousand eight hundred and thirteen.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That in all cases where any officer or soldier of the revolutionary war shall have served one year or more in the Pennsylvania line, and from age, bodily infirmity or other causes, is unable to earn a living, or was rendered unfit for service by wounds or other casualty, and who does not possess property sufficient to maintain him, the board of enquiry shall place such officer or soldier on the pension list, and such officer or soldier shall be entitled to all and singular the benefits of the act to which this is a supplement: provided that before any non commissioned officer or soldier is placed on the said pension list, he shall produce satisfactory evidence, or take an oath or affirmation before a judge or justice of the peace of the proper county, or before the board established by the act to which this is a supplement, that he was honourably discharged from the service of this state or of the United States, and the said judge or justice shall transmit a certified copy thereof to the auditor general.

Who to be placed on the pension list.

Board may revise their decisions, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said board may, within one year after having made any decree under this act, or the act to which this is a supplement, revise, alter and modify any of the decisions thereof; provided that no pension decreed by said board shall exceed the amount limited by the act to which this is supplementary.

Passed 7th February, 1814.—Recorded in Law Book No. XIV. p. 173.

NOTE.—See ch. 3658, and notes thereto.

## CHAPTER 3826.

A further supplement to the act entitled, "An act to provide for the support of the government of this commonwealth."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met; and it is hereby enacted by the authority of the same,* That the speaker of the senate, and speaker of the house of representatives, the members of the senate, and members of the house of representatives, respectively, shall each [receive the further sum of one dollar, *per diem* in addition to the sums heretofore allowed them by law, from the day of the commencement of the present session of the general assembly, and shall also]\* receive the sum of five cents for each mile, in addition to the present allowance by law, in journeying to and from the seat of government.

Additional compensation allowed to members of the legislature.

Passed 7th February, 1814.—Recorded in Law Book No. XIV. p. 174.

\* Repealed except as to mileage ch. 4922.



## CHAPTER 3828.

A supplement to an act entitled, "An act to incorporate the Phoenix Insurance Company of Philadelphia." [Vol. 4, p. 111, sup. ch. 3649.]

SECT. 1. [CAPITAL to be 480,000 dollars, in six thousand shares of eighty dollars each. Nothing in this act to be construed so as to lessen the security of any contract previously made. 2. The capital may be invested in the stock of the company, or loaned to the state of Pennsylvania or employed as directed by the act to which this is a supplement.]

Passed 7th February, 1814.—Recorded in Law Book No. XIV. p. 176.

NOTE.—The company was incorporated for 20 years from 1st January, 1815, by act vol. 4, p. 111, and continued act, ch. 3649.

## CHAPTER 3830.

A further supplement to the act, entitled "An act to raise and collect county rates and levies." [Original act vol. 3 p. 392.]

Passed 21st February, 1814.—Recorded in Law Book No. XIV. p. 177.

NOTE.—Repealed by act of 18th January, 1821, (ch. 4922,) which fixed the compensation of commissioners and auditors at 150 cts. *per diem* except in the county of Philadelphia, where the commissioners are allowed three dollars and the auditors two dollars *per diem*. See ch. 3822, and notes thereto.

## CHAPTER 3831.

An act to extend for a limited time the act entitled, "An act providing for the settlement of certain disputed titles to land north and west of the rivers, Ohio and Allegheny, and Conewango creek, and for other purposes." [Vol. 5, p. 206.]

Passed 21st February, 1814.—Obsolete.—Recorded in Law Book No. XIV. p. 177.

NOTE.—Such parts of the original act of the 20th March, 1811, vol. 5, p. 206, as had expired, revived and re-enacted for two years from the first of April, 1814. agreements made in conformity thereto within two years declared valid. By act 24th March 1818, the same continued until 1st April 1819, (ch. 4620.)

By act of 19th March, 1816, ch. 4250, the same parts were re-enacted and all continued to 1st April 1822, (ch. 4795.) See ch. 3605 and 4795 and notes thereto.

## CHAPTER 3833.

An act further to encourage and promote the construction of a turnpike road over the Allegheny mountain and Laurel hill, on the northern route. [Vol. 5, p. 156.]

SECT. 1. [THE turnpike authorized to be made by act of 20th March, 1810, (vol. 5, 156,) entitled "A supplement to the act entitled an act to incorporate a company for making an artificial road from Harrisburg, through Lewistown and Huntingdon to Pittsburg," to be laid out from the house of John Blair on the east side of the Allegheny mountain on the post road in Huntingdon county, by the best and nearest route through Munster and Ebensburg, to the house of Martin Raigart, on the west side of Laurel-hill. 2.

1814. A proportional part of the sum of 100,000 dollars, directed to be (subscribed on behalf of the state, by act of 24th March, 1812, vol. 5, p. 351,) to the section of the northern route between Huntington and the crossings of the Big Conemaugh river, directed to be subscribed to the above-mentioned road. 3. Commissioners appointed. 4. Their duty to be performed gratis.]

Passed 21st February, 1814.—Recorded in Law Book No. XIV. p. 179.

NOTE.—The style of this company by the act, (vol. 5, p. 156) is “The President, Managers, and Company of the Huntingdon, Cambria and Indiana turnpike road.”

See act vol. 4, p. 370, and notes thereto.

The governor authorized to subscribe 600 additional shares to be applied exclusively to the part of the road between Plain Gap and Martin Rogers, (ch. 4437, sect. 27.)

The governor authorized to subscribe 6850 dollars, to be applied to making the road between Alexandria and the borough of Huntington and taken as a part of the 60,000 dollars authorized to be subscribed by act, vol. 5, p. 351, (ch. 4902.)

The governor authorized to subscribe 700 additional shares, (ch. 4985, sec. 3.)

## CHAPTER 3834.

An act to incorporate the German religious society of Seventh day Baptists, of Ephrata, in the township of Cocalico, in the county of Lancaster, and for other purposes.

SECT. 1. [THE religious society of seventh day Baptists of Ephrata in the township of Cocalico, and county of Lancaster, constituted a body corporate by the name of “The Seventh day Baptists of Ephrata.” Trustees named. Their powers and duties. No lease or disposition of the real estate to be made for more than four years. Trustees to give security. 2. Trustees to be chosen every fourth year. How vacancies are to be supplied. 3. All the estates belonging to the society at the passing of this act vested in the corporation. Proceeds to be applied to the maintenance of the members, &c. Nothing in this act to affect the just rights of individuals. Society not to hold or purchase any other real estate. Privileges hereby granted, to be forfeited, whenever they are abused or misused.]

Passed 21st February, 1814.—Recorded in Law Book No. XIV. p. 180.

## CHAPTER 3835.

[Vol. 5, p. 242, sup. ch. 4983.] A supplement to an act entitled, “An act to enable the governor to incorporate a company for making an artificial road, beginning at the intersection of Vine and Tenth streets, Philadelphia, and thence to Perkiomen bridge, in the county of Montgomery.”\*

SECT. 1. [COMPANY authorized to raise the tolls upon wagons, &c. drawn by more than two horses, and on pleasure carriages, so as to allow a dividend of six per cent. Tolls to be reduced to the original amount as soon as the debts contracted in making the road are

\* The title of this company is “The Ridge Turnpike Company,” (vol. 5, p. 242.)

paid, and not to be raised in any case higher than are by law allowed the Germantown turnpike company, (vol. 3, p. 452.) 2. In order that that part of the road lying between the Baptist meeting house and Perkiomen bridge may be made by the nearest and best route. The company may enter upon lands, &c. over which the road is to pass. If the parties cannot agree upon the amount of compensation, three persons to be chosen to fix it. The advantages and disadvantages likely to arise from the road, to be taken into consideration, in fixing the compensation. 3. Remaining managers to supply vacancies in the board. 4. Statement of the affairs of the company verified by the oath of the secretary to be laid before the legislature on or before the 10th January in each year.]

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Passed 21st February, 1814.—Recorded in Law Book No. XIV. p. 182.

NOTE.—Between the 1st of November and the 1st May in each year, every carriage drawn by more than 6 horses, or carrying more than  $2\frac{1}{2}$  tons shall be liable to double toll unless the fellows of each wheel be 7 inches wide, or the wheels being at least 6 inches, shall roll at least 10 inches on each side, and that no carriage shall at any time carry a greater load than 7 tons. Penalty 20 dollars. (ch. 4083.) The governor authorized to subscribe 25,000 dollars to the stock to be paid to the treasurer of the company. (ch. 4985. sect. 14.)

## CHAPTER 3836.

An act to prevent the destruction of the spawn or brood of fish in the river Conestoga.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons whatsoever, from and after the passing of this act, shall use any Sturchel net (commonly called Sturjel net) or Sweep net (commonly called Brush net) or shall drive with horses for the purpose of taken fish in the river Conestoga, below the mouth of Muddy creek, every person so offending, being legally thereof convicted by the oath or affirmation of one or more credible witnesses, or by his or her own confession, before any justice of the peace of the county of Lancaster, shall forfeit and pay the sum of twenty dollars, to the directors for the use of the poor of the county of Lancaster, any law or usage to the contrary in any wise notwithstanding: *Provided always,* That every such prosecution be commenced within thirty days after the offence shall have been committed.

Certain nets not to be cast in the river Conestoga.

Penalty of 20 dollars.

Proviso.

Passed 21st February, 1813.—Recorded in Law Book No. XIV. p. 182.

## CHAPTER 3837.

An act granting certain powers to the commissioners of the counties of Bradford and Susquehanna.

[See ch. 3679 and notes thereto.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the commissioners of the counties of Bradford and Susquehanna respectively shall have full Powers of commissioners.

1814. authority to sell and convey any lands now belonging to the said counties, and to carry into full effect any contract of sale or sales heretofore made by them, the proceeds of which when received, they shall pay over to the treasurers of the said counties respectively for the use and benefit thereof.

SECT. 2. [Obsolete.]

Passed 21st February 1814.—Recorded in Law Book No. XIV. p. 185.

## CHAPTER 3838.

[Vol. 5, p. 293, see also A supplement to the act entitled "An act authorizing the commissioners of the county of Berks to erect a stone bridge over the river Schuylkill, near the town of Reading, in said county." vol. 4, p. 181 sup. ch. 4424.]

SECT. 1. [COMMISSIONERS authorised to contract for the building of a bridge either of stone, wood, or chain over the river Schuylkill at the west end of Penn street in the town of Reading at the expense of the county. To be subject to the same duties, penalties, and restrictions as are prescribed by the act (vol. 5, p. 293,) to which this is a supplement.]

Passed 21st February, 1814.—Recorded in Law Book No. XIV. p. 186.

NOTE.—The rates of toll prescribed. of 5 dollars fixed for carrying lighted Certain persons exempted, and a penalty segar &c. over the bridge. (ch. 4424.)

## CHAPTER 3839.

[Ch. 3659, A supplement to "An act erecting parts of Dauphin and Lancaster counties into a separate county, to be called Lebanon." 4011.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Thomas Smith, of Dauphin county, and Levi G. Hollingsworth, of Lebanon county, and Jacob Hibshman of Lancaster county, be and they are hereby appointed commissioners to run and mark the boundary lines between the counties of Lebanon and Lancaster, and Dauphin, which service they shall perform previous to the first day of May next, and file a draft of the said lines in the prothonotary's office, of each of said counties, and the said commissioners shall be paid their reasonable fees and expenses for said service, in equal shares by the said counties.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any two of the commissioners of Lebanon county be and they are hereby authorized to take and receive to themselves and their successors, for the use of said county, conveyances and titles for the lots selected by the commissioners appointed under the act to which this is supplementary, as proper and convenient sites for a court house, prison and county offices for said county.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all the acts of the clerk of the Orphan's Court, Register of Wills, and recorder of deeds, of Lebanon county, are hereby confirmed and made valid, so that no objection shall be taken thereto

for want of jurisdiction, and the estates of all testators and intestates who died within the limits now composing Lebanon county, and which has not been already settled or progressed in shall be settled before the proper officers of said county: *Provided*, That nothing herein shall affect any case, or the settlement of any estate, now pending in any court of Dauphin county. Proviso.

Passed 21st February, 1814.—Recorded in Law Book No. XIV. p. 186.

NOTE.—Dauphin and Lebanon to elect one senator, and Lebanon two representatives. See ch. 3650 and notes thereto.

## CHAPTER 3840.

An act remedying certain defects of process.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* no verdict hereafter given in any court, civil or criminal, in this commonwealth shall be set aside, nor shall any judgment in any court be arrested or reversed, nor sentence stayed, for any defect or error in the precept issued for any court, or in the *venire* issued for summoning and returning of jurors, or for any defect or error in drawing, summoning or returning any juror or panel of jurors, but a trial or an agreement to try on the merits, or pleading guilty, or the general issue in any case, shall be a waiver of all errors and defects in or relative and appertaining to the said precept, *venire*, drawing, summoning and returning of jurors. No verdict to be set aside for default.

Passed 21st February, 1814.—Recorded in Law Book No. XIV. p. 188.

NOTE.—The following points have been adjudged prior to the act in the text.

1. That process must be in the name of the commonwealth, but that it is immaterial in what part it is introduced, so that the command is given in its name. 2. That precepts for the Oyer and Terminer may issue under the private seals of the judges; no seals being required for the court. 3. That in a precept to summon a grand jury, it is sufficient to command the sheriff to cause to come 24 good and lawful men, without commanding in what manner they are to be drawn and selected. 4. That a precept to command the sheriff to cause to come 24 good and lawful men of the body of the county of C. aforesaid “then and there to inquire present do and perform such things as on the behalf of the commonwealth shall be enjoined them and also a competent number of *sober and judicious persons* and none others as jurors for the trial of all issues &c.” contains no command to convene the petit jurors from the county of C. and therefore it did not appear, by the return or the panel that the petit jury came from the county; the error was adjudged fatal in the case of the commonwealth v. White convicted of murder of the first degree in Cumberland county. The indictment was removed by writ of error into the Su-

preme Court and the judgment reversed (Oct. 1813.) for the last error assigned. From the opinion of the court as delivered by Tilghman C. J., Yeates J. dissented, declared that there did not appear to him such error as would justify the reversal of the judgment. That he considered too great nicety in proceedings a reproach to the criminal law of any civilized country. Brackenridge J. concurred with the Chief Justice and the judgment was reversed.

If process goes to draw a jury for a court of Oyer and Terminer, it must be returned so that it shall appear, on the record, either expressly, or by necessary implication that the persons who served as jurors were *drawn* as well as summoned according to law. *Eaton v. The Commonwealth* in error. Supreme Court Lancaster district, May 1814, 6 Binney 447.

The defendant was convicted of murder in the first degree at a court of Oyer and Terminer in York County, in April 1813. The commission for holding the court was dated 8th January 1813, both dates prior to the act in the text.

In the case of the Commonwealth v. Smith, 2 Serg. and Raw. p. 300, the defendant had been capitally convicted of murder in a court of Oyer and Terminer

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of the county of Philadelphia and having received sentence of death, his counsel applied to the Supreme Court to allow a writ of error to the judges of the court of Common Pleas holding a court of Oyer and Terminer for the reasons stated in the opinion of the chief justice.

Tilghman C. J. The errors assigned may all be reduced to two heads: 1st. Error, or defect in the form of the precepts and writs of *venire facias*. 2d. Defect, or imperfection in the return. Under the first head may be ranked the following exceptions. That the name of the president of the court is omitted in the *venire facias*, although not in the precept. That the precept is not directed to the commissioners of the county, as well as to the sheriff. That the writs of *venire facias* are made returnable to the Court of Q. S. and not to the court of Oyer and Terminer. The remaining exceptions fall under the second head.

They are these: that the precept is not returnable at all. That there is no return of the writs of *venire facias*, signed by the sheriff. That the return of the list of jurors is not signed by the sheriff. That it does not appear the jurors were drawn by the sheriff and county commissioners, as directed by law; nor does it appear that the jurors were of the county of Philadelphia. The precept in good form was directed to the sheriff in which was contained, among other things, a command to summon a grand and petit jury. Besides this there were two writs of *venire facias* to the sheriff commanding him to summon certain persons of his bailiwick, (naming them) to serve as grand and petit jurors. These writs are defective, being returnable to the Court of Q. S. Two panels were returned to the Court of Oyer and Terminer, containing the names of the jurors mentioned in the writs of *venire facias*, under each of which panels is written as follows: "Summoned according to law, Thomas Elliott, deputy sheriff." Two writs of *venire facias*, were superfluous. The general precept which contained a clause of *venire facias* was sufficient; and it was the duty of the sheriff, on receiving that precept, to give notice thereof to the county commissioners, in conjunction with whom he was to draw the jurors, who were to be summoned to appear in court, on the day mentioned in the precept. The precept need not be directed to the commissioners. The return of the precept of *venire facias*, although not formally made on the writs themselves, yet so far as concerns the jurors, there is what was intended for a return on a separate paper, I mean, the writing signed by the deputy sheriff, under each of the panels of the jurors; so that it cannot with propriety be said, that there was no

return, although without doubt it would have been better if the deputy had signed the name of his principal. Whether, if a challenge had been made in proper time, the array might have been quashed for this defect, we do not determine. But what weighs greatly with the court is, that the errors assigned do not affect the merits of the case. The prisoner took no exception to the jury, but went to trial on the plea of not guilty. Now there is an act of assembly which cures all defects respecting process in cases of this kind, (the act in the text.) The words are more extensive than the stat. 18, Eliz. ch. 14, on which an argument has been founded. By that statute judgment shall not be reversed by reason of any *insufficient return* by the officer. When there is *no return*, the case is not helped by the statute. This act declares that a trial on the merits is a waiver of all *errors and defects*, in or relative to the return of the jurors. The omission of the sheriff's name is a defect *relative to the return*. The words are not to be strained, but we must not refuse them their obvious meaning. We must not wonder that this act was carried further than the statute, 18 Eliz. because on a perusal of the English statute book, it will be found, that on experience of the defects of the statute, it was found necessary to make a more extensive provision. By the stat. 21 Jac. ch. 13, it is enacted that judgment shall not be reversed, for that there is *no return* to any of the writs, so as a panel be returned and annexed thereto, or for that the sheriff, or other officer's name is not set to the return of such writ, so as it appears by proof that the writ was returned by him. It seems to have been the intention of the legislature by different and more general expressions to have gone the whole length of the English statutes. The provisions of the act cover all the defects which have been shewn.

It is error if it does not appear by the record, that the defendant was tried by 12 jurors lawfully sworn. *Dorbler v the commonwealth*, error to Lebanon county, 3 Serg. and Raw. 237.

The defendant was convicted of fornication and bastardy, and judgment given. A motion was made for the allowance of a writ of error on the ground that the jury had been drawn by the sheriff, and one commissioner, instead of at least two in conformity to the act of assembly and the precept. The court refused the writ, observing that allowing the jury was not properly drawn whether they ought to allow a writ of error for the purpose of reversing the judgment. The act of 13th April, 1791, (vol. 3, p. 30,) provides that no writ of error shall issue unless sufficient cause be shewn. The court must be governed by some principle, and ac-

cording with the act of assembly, and conducive to the public good. Something more than a trifling error in form, the court should be satisfied that there had been an error affecting either the merits or of a nature so important with regard to its bearing on other cases. The court

considered that the allowance of the writ would be an exercise of discretion not conformable to the intention of the act on which the motion was founded. 6 Bin. 403.

For acts respecting jurors, see vol. 4, p. 237 and 390; also ch. 3767, 4163, and notes thereto.

#### CHAPTER 3841.

An act to provide for the enumeration of the taxable inhabitants and slaves within this commonwealth

Passed 21st February, 1814.—Obsolete.—Recorded in Law Book No. XIV. p. 188.

NOTE.—By the constitution of Penn. art. 1, sect. 4, it is provided that there shall be an enumeration of the taxable inhabitants every seventh year. The act directing the last enumeration, passed 6th January, 1821, (ch. 4921) See this act, and the notes subjoined, for a general reference to all on the subject of the enu-

meration, and the amount thereof at the several periods at which they are required, by the constitution, to be made.

For the manner in which senators and representatives have been and are at present apportioned, see ch. 4065, and notes thereto.

#### CHAPTER 3843.

An act for the election of a constable in the borough of Orwigsburg.

[Incorporated ch 3678.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the electors residing in the borough of Orwigsburg, in the county of Schuylkill, shall on the third Friday in March, yearly, and every year thereafter, elect two suitable persons being citizens of said borough, for the office of constable, and shall return the names of the persons so elected to the next Court of General Quarter Sessions of the Peace to be holdon for said county, and the court shall appoint one of them constable for the said borough: which constable when appointed by the court shall have the same power and shall be subject to all the penalties which constables have and are subjected to, under the act entitled, an act to amend and consolidate with its supplements the act entitled “An act for the recovery of debts, and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables and for other purposes.”

Passed 25th February, 1814.—Recorded in Law Book No. XIV. p. 193.

#### CHAPTER 3845.

A supplement to an act, entitled, “An act to enable the governor to incorporate a company for making an artificial road, beginning at or near Downingstown, in the county of Chester, to Cornwall furnace, in the county of Dauphin, and from thence to the borough of Harrisburg.” [Vol. 4, p. 31.]

SECT. 1. [TIME for completing the road extended seven years from the 25th February, 1814.]

Passed 25th February, 1814.—Recorded in Law Book No. XIV. p. 195.

NOTE.—The governor authorized to subscribe for 100 shares (vol. 5, p. 60) and for 150 shares additional, (vol. 5, p. 270) to subscribe 20,000 dollars not to be ex-

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pended in paying the debts of the company, but in completing the road, ch. 4437, sect. 37. To subscribe for 150 shares, ch. 4985, sect. 55.

The company authorized to extend the road through Harrisburg to the bridge, but no gate to be erected on any part extended, (ch. 5053.)

## CHAPTER 3846.

[Vol. 2, p. 96]

An act to repeal an act entitled, "An act to regulate fences and to appoint appraisers in each township, in the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, and to encourage the raising of swine," so far as respects the county of Fayette.

Part of the original act repealed.

**SECT. 1.** *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of June next, the act entitled, "An act to regulate fences, and to appoint appraisers in each township, in the counties of Bedford, Northumberland, Westmoreland, Washington, and Fayette, and to encourage the raising of swine," passed the twenty seventh day of March, one thousand seven hundred and eighty-four, be and the same is hereby repealed, so far as respects the county of Fayette.

Passed 25th February, 1814.—Recorded in Law Book No. XIV. p. 196.

**NOTE.**—The original act, (vol. 2. p. 96.) directs the dimensions of fences in the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, the appointment of appraisers and prescribes their duties. See this act, also (vol. 1, p. 13, 70, 176,) and the notes for a reference to all the laws on this subject.

The original act is repealed by the act in the text, so far as respects Fayette. By the act, (ch. 4900) the fences in this county are regulated, and all damages occasioned by horses, horned cattle, or swine, trespassing within any inclosure to be determined by referees upon actual view to be appointed and damages recovered agreeably to the act, (vol. 3, p. 354.)

which is repealed except the 5th, 6th, and 7th sections, (ch. 3909.) Lawful fence to be 4½ feet high. All laws altered, &c. relating to fences, and damages by horses, &c. repealed as to Fayette county provided the act shall not be extended to Uniontown, Connellsville, Bronsville and Bridgeport, (ch. 4900.)

A similar provision is made as to the counties of Cumberland and Perry, (ch. 5039.)

The original act repealed so far as the same respects the borough of Mercer by act (ch. 4174,) and as to Greensburg in Westmoreland and Waynesburg in Green county, by act (ch. 4596.)

## CHAPTER 3847.

[Incorp. vol. 3, p. 495]

An act to contract the limits of the borough of Beaver in the county of Beaver.

**SECT. 1.** [THE tract of 500 acres appropriated (vol. 3, p. 429,) for the use of an academy, which lies within the borough declared to be without the limits of said borough. That part of the act, of 20th January, 1806, (vol. 4, p. 267,) which attaches certain out lots of the town of Beaver to Beaver township, repealed.]

Passed 25th February, 1814.—Recorded in Law Book No. XIV. p. 196.

**NOTE.**—See vol. 3, p. 57, and ch. 3877 laws respecting the town and out lots at 4194, 4513, for a general reference to the mouth of Beaver creek.



## CHAPTER 3848.

1814.

A supplement to the act incorporating the president, managers and company of the Marietta, Richland and Mountjoy turnpike road, passed the twenty-eighth of January, one thousand eight hundred and thirteen. [Ch. 3626]

SECT. 1. [PRESIDENT and managers authorized and required to lay down the route of a road on or before the 1st of April next, and to complete the same as soon as may be afterward. To begin at the river Susquehanna in the east end of the borough of Marietta, and run thence along Bank street, and through lands of Henry Cassel and John Crow to the intersection of the Marietta, Richland, and Mountjoy turnpike at Henry Share's new buildings. The road to be made of the same materials and in the same manner, and the president and managers to have the same privileges with regard to it, under similar restrictions as are prescribed by the act to which this is a supplement. 2. President and managers authorized to receive from William Child all the money he may receive from lot owners in the east end of Marietta which the proprietor appropriated for making said road.]

Passed 25th February, 1814.—Recorded in Law Book No. XIV. p. 197.

## CHAPTER 3849.

And act supplementary to, and perpetuating the act entitled, "An act for the better employment, relief and support of the poor in the township of Germantown in the county of Philadelphia." [Vol. 5, p. 50.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the managers, or any four of them, elected in pursuance of the act to which this is a supplement, shall meet together on the first Monday in the month of April next, and on the first Monday in April in every succeeding year. Time of managers meeting.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the accounts of the said managers shall be settled on the first Monday in April, annually, by the auditors chosen to settle the accounts of the supervisors of the public highways of the township of Germantown, in the county of Philadelphia; and the books of said corporation shall be open at any time for the inspection of the inhabitants residing within the limits of the said township. Accounts to be settled by auditors.  
Books to be open for inspection.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the act to which this is a supplement, and the supplement thereto, be, and they are hereby made perpetual; and that so much of the act to which this is a supplement as is hereby altered or supplied, be, and the same is hereby repealed. Repealing clause.

Passed 25th February, 1814.—Recorded in Law Book No. XIV. p. 198.

NOTE.—So much of the 23d sect. of the act (vol. 4, p. 50,) as relates to aldermen and justices of the peace granting orders for the removal of paupers, and so much of the first sect. of the act, laying a tax on dogs, &c. (vol. 5, p. 36) as grants the tax for the benefit of the poor extended to Germantown, (ch. 4909.) For a general reference to the poor laws, (see vol. 1, p. 346, and ch. 388e.)

## CHAPTER 3850.

1814.

[Vol. 3, p. 306, vol. 4, p. 109, 292, 388.]

Duties of the directors.  
Vol. 3, p. 306.

A further supplement to the several acts for the erection of houses for the employment and support of the poor in the counties of Chester, Lancaster and Montgomery, so far as respects the counties of Lancaster and Montgomery.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That in addition to the duties enjoined upon the directors by the fifth section of the act to which this is a further supplement, the directors of the poor in the county of Lancaster shall annually publish in two of the newspapers printed in the borough of Lancaster, an account of all the monies by them received and expended, and a list of the number distinguishing the sexes of the persons maintained and employed in the house of employment, or supported or assisted by the institution elsewhere.

Directors to employ a clerk, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the directors of the poor of the county of Lancaster, be, and they are hereby authorized, to employ a clerk to the institution: *Provided,* That the said clerk shall not at the same time be one of the directors.

Powers of the directors of Montgomery county.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall be lawful for the directors of the poor of Montgomery county, or a majority of them, to bind out by indenture, any of the poor children in said institution, and to keep a record of the same entered in a book by them for that purpose kept, and the same shall be as good and effectual as if the same had been done before a justice of the peace of said county.

Certain act extended to Montgomery county.

Vol. 5, p. 185.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the third section of the act, entitled, "A further supplement to the several acts providing for the erection of houses for the employment and support of the poor, in the counties of Chester, Lancaster and Montgomery," passed the twenty-second day of December, one thousand eight hundred and ten, be, and the same is hereby extended to the county of Montgomery.

Passed 25th February, 1814.—Recorded in Law Book No. XIV. p. 199.

NOTE—The directors of the poor in Lancaster county are authorized to dispose of part of the real estate attached to the poor house, (ch. 4050.)

The directors of the poor in Chester county are authorized to appoint a clerk, (ch. 4769.)

The debts and property of paupers may be recovered by overseers or directors of the poor, (ch. 4750.)—For a general reference to all laws respecting the poor, see vol. 1, p. 346. and ch. 3888.

## CHAPTER 3851.

[Sup. cl. 4039]

An act to enable the governor to incorporate a company, to make an artificial road beginning at the end of the Little Conestoga turnpike road, in the county of Berks, thence through Morgantown, and Churchtown, to the Blue ball tavern in Lancaster county.

SECT. 1. [COMMISSIONERS named. Their duty. To procure books. Notice to be given of the times and places of receiving subscriptions. Books to be closed when 600 shares have

been subscribed at Morgantown and 200 at the Blue ball. If the whole number be not subscribed at these two places in six days the commissioners may adjourn from time to time and from place to place until all are subscribed. Five dollars a share to be paid on subscribing. 2. (Repealed ch. 4039.) 3. Proceedings to organize the corporation. Corporate officers to be a president, twelve managers and a treasurer chosen by ballot. Company may make by-laws, &c. No person to have more than ten votes. 4. Company to meet on the first Monday in October annually for the purpose of choosing officers, making by-laws, &c. 5. Road to be finished in the same manner as the Little Conestoga turnpike is by law ordered to be, and the company to have the same privileges and be subject to the same restrictions as are prescribed for the Little Conestoga turnpike company, (vol. 5, p. 29.)]

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Passed 25th February, 1814.—Recorded in Law Book No. XIV. p. 200.

NOTE.—By a supplement (ch 4039.) the second section is repealed, and it is declared that when 150 shares are subscribed, the commissioners shall certify it to the governor, who may then issue letters patent constituting the subscribers a body corporate by the name of "The President, Managers, and Company of the

Morgantown, Churchtown and the Blue ball turnpike road," with the usual corporate privileges.

The governor authorized to subscribe 100 shares of the stock of the company, ch. 4437, sect. 44. To subscribe 4000 dollars to the stock ch. 4985, sect. 64.

## CHAPTER 3852.

An act to incorporate the town of Columbia in the county of Lancaster.

SECT. 1. [ERECTED into a borough. Bounds. 2. Inhabitants qualified to vote for members of assembly having resided in the borough one year, and paid a borough tax, on the 1st Tuesday in April in every year at the school house, to elect a chief burgess, assistant burgess, seven citizens for a town council and one high constable inhabitants of the borough. Inhabitants present at the opening of the election to choose two citizens as judges, one inspector and two clerks. Officers of election to take an oath and in case of equal vote to be determined by lot, to be drawn by the judges, &c. Vacancies to be filled by a new election. Town council, &c. to be a body corporate by the name of "The Chief Burgess, Assistant Burgess and Town Council of the Borough of Columbia," with the usual powers. Yearly value of estate not to exceed 5000 dollars. 4. Penalty on officers refusing to serve. How to be recovered. No person liable to serve more than once in five years. 5. Officers to take an oath or affirmation. 6. Quarterly meetings to be held, &c. Burgesses may make by-laws, &c. assess taxes, &c. appoint a town clerk, and other officers. No by-law or ordinance to be repugnant to the laws of the United States or this commonwealth. No tax to exceed one fourth of a cent in the dollar in the valuation unless for some purpose of general utility and thought\* necessary and to be approved of by a majority of taxable inhabitants. 7. Chief burgess or

[See ch. 4205, 4412, 4694, 4859, 4997, 5024, 4512.]

\* The original reads "though."

1814. in his absence, &c. the assistant burgess to issue his precept for the collection of taxes, &c. 8. Duties of town clerk. 9. Treasurer to give security. 10. Quarterly meetings of supervisors, &c. 11. The chief burgess, assistant burgess and president of the council or any two of them to constitute a court of appeal. 12. Duty of high constable. 13. Compensation to the judges, &c. of election. Salaries of town clerk, &c. Penalty on neglect or refusal to perform the duties of office to which person appointed but no person to be compelled to serve more than once in five years. 14. Power of the corporation not to extend to taking, &c. any profits from the public ground given by Samuel Wright called Old Columbia, but may regulate the same. Inhabitants of the original town to choose five trustees to let said ground, proceeds to be applied as the inhabitants of the original town shall direct, &c. 15. Persons aggrieved to appeal to the Common Pleas.]

Passed 25th February 1814.—Recorded in Law Book No. XIV. p. 212.

NOTE.—Two persons to be elected and returned as constables to the Q. S. who to appoint one, (ch. 4205.)

The corporation authorized to regulate wharves and landings opposite the borough, (ch. 4412.)

The last clause of the 6th section which exempted from taxation all lands within the borough, not laid out in town lots repealed, (ch. 4694.)

The chief burgess authorized to issue his precept directed to the high constable,

to collect all taxes, &c. imposed by the original act or by the ordinances of the corporation, (ch. 4859.)

Chief burgess authorized to issue his precept for the collection of taxes only, either to high constable, or to a collector appointed by the council who to give bond, &c. (ch. 4997.)

Old Columbia water company incorporated, (ch. 5024.)

Act for the inspection of salted fish in the borough, (ch. 4512.)

## CHAPTER 3854.

[Vol. 2, p. 513.]

A supplement to the act entitled, “An act to provide for the custody of prisoners committed under the authority of the United States.

Prisoners of war and hostages to be received by sheriffs, &c.

Penalties.

Marshal may visit, &c.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That all sheriffs, gaolers, prison-keepers, and their and each and every of their deputies within this commonwealth, to whom any person or persons shall be sent or committed by any order from the government of the United States as hostages or prisoners of war, shall be and they are hereby enjoined and required to receive such person or persons into custody and to keep them safely until they shall be discharged by order of the president of the United States; and all such sheriffs, gaolers, prison-keepers and their deputies offending in the premises shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this state.*

SECT. 2. *And be it further enacted by the authority aforesaid, That it shall be the duty of the sheriffs, gaolers, prison-keepers, and their deputies, and each and every of them to suffer and permit the marshal of the United States for the district of Pennsylvania, and*

his legal deputies, to visit all persons confined under the authority of this act, at all reasonable hours and times and to have the general superintendence of all persons committed as aforesaid. 1814.

SECT. 3. *And be it further enacted by the authority aforesaid,* That a calendar of such persons as are committed in pursuance of this act shall be made out on the first days of January and June in each and every year, by the respective gaolers and prison keepers upon oath or affirmation, specifying particularly the names of such prisoners, the time of their commitment and discharge, and the cause, together with the expense of subsisting the said prisoners; which calendar shall be transmitted to the governor, to the end that order may be taken for the payment agreeably to law by the government of the United States. Calendar to be kept and sent to the governor, &c.

Passed 3d March, 1814.—Recorded in Law Book No. XIV. p. 213.

NOTE.—Sheriff, goalers &c. required to receive all persons committed in process from the courts of the U. S. to be liable to the same penalties and entitled to same remedies as if such persons had been committed on process from the state courts. Calendar to be transmitted annually on the 1st January, to the governor that payment of the expenses may be demanded from the U. S. (vol. 2. p. 513.)

It has been adjudged in the Circuit Court of the U. S. for the Pennsylvania District, that in criminal cases if witnesses for the prosecution cannot give bail, their own recognizance ought to be taken for their appearance; that it is contrary to the principles of natural justice to imprison innocent men merely because they are too poor and friendless to give bail. Be-

sides if the witnesses for the prosecution may be imprisoned, why may not those for the defendant also? The stat. 1 & 2 Philip and Mary (ch. 13.) and 2 and 3 Philip and Mary (ch. 10.) (reported by the judges of the Supreme Court to extend to Pennsylvania,) authorises the taking a recognizance and if the witnesses refuse, to commit them for a contempt, the same power is said to be included in their commissions. (Wal. Rep. Cir. Co. U. S. p. 27.)

By the act 2d April 1821, (ch. 5037,) a provision is made for the commitment and support in prison of witnesses in the city and county of Philadelphia who are not able to find surety for their appearance at court. See also vol. 2, p. 539, sect. 26.

## CHAPTER 3855.

An act to erect the the town of Bridgeport in the county of Fayette into a borough.

SECT. 1. [BRIDGEPORT erected into a borough. Its limits defined. 2. Burgesses and town council to be elected by persons qualified to vote for members of the legislature. Judges &c. of election to be chosen. To take an oath or affirmation. When candidates are equal, elections to be decided by lot. Vacancies to be supplied by a new election. 3. Burgess and town council created a body corporate by the name of "The Burgess and Town Council of the Borough of Bridgeport," with the usual corporate privileges. Yearly value of estate not to exceed 5,000 dollars. 4. Penalty on officers refusing to serve, 10 dollars. No person required to serve more than one year in four. Remedy for persons aggrieved. 5. Officers to take an oath. 6. Corporation may make by-laws, levy taxes, choose a town clerk and other officers. No by-law or ordinance to be repugnant to the laws of the United States or of this commonwealth. No tax to exceed one half per cent. on the value of taxable property, except for purposes of general utility approved of by a majority of the taxable inhabitants. 7. Duty of town clerk. 8. Treasurer to give

1814. security, &c. 9. Officers to account annually to the town council.  
 10. Constable to give notice of elections, &c.

Passed 9th March, 1814—Recorded in Law Book No. XIV. p. 214.

NOTE—Bridgeport manufacturing company incorporated, (ch. 4153.)

## CHAPTER 3858.

[Vol. 4, p.  
279, ch 4060  
4202, 4437,  
4611, 4966,  
4985]

A further supplement to the act entitled "An act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna opposite Harrisburg to Pittsburg."

SECT. 1. GOVERNOR authorized to incorporate 5 companies; one for making a road from Harrisburg to Chambersburg, one from Chambersburg to Bedford, one from Bedford to Somerset, one from Somerset to Greensburgh, and one from Greensburgh to Pittsburg. 2. Commissioners named for each section. Duty to be the same as that prescribed by the act to which this is a supplement, (vol 4, p. 279.) 3. When 50 persons shall have subscribed 800 shares of the first section, the commissioners may certify it to the governor, who is to issue letters patent creating the subscribers a body corporate by the name of "The President, Managers and Company of the Harrisburg, Carlisle and Chambersburg Turnpike Company." 4. The same proceedings when the same number of shares have been subscribed for the second section, to be styled "The President, and Managers of the Chambersburg and Bedford Turnpike Road Company." 5. The same when 25 persons shall have subscribed 500 shares of the 3d section, to be styled "The President, Managers and Company of the Bedford and Somerset Turnpike Road Company." 6. The same when 25 persons shall have subscribed 500 shares to the 4th section, to be called "The President and Managers of the Somerset and Greensburg Turnpike Road Company." 7. The same when 50 persons shall have subscribed 650 shares to the 5th section to be styled "The President, Managers and Company of the Greensburgh and Pittsburgh Turnpike Company." 8. Governor authorised to subscribe for 1100 shares of the first section, 2100 of the second, 1300 of the third, 1300 of the fourth and 1200 of the fifth. Companies to be entitled to the same rates of toll as are given by the act to which this is a supplement. 9. When license shall be granted to receive tolls. 10. State subscriptions to be paid as soon as five miles of either road is completed. 11. Work to be commenced in five years, from the 1st of April 1814. 12. Acts of 31st March, 1807, (ch. 2790,) and of 13th March, 1812, (vol. 5, p. 317,) repealed.]

Passed 9th March, 1814.—Recorded in Law Book No. XIV. p. 222.

NOTE.—By the original act, 24th Feb. 1806, (vol 4. p. 279.) a company was incorporated for making a road from the bank of the river Susquehanna opposite Harrisburg to Pittsburg, by the style of "The President, Managers and Company of the Harrisburg and Pittsburg Turnpike Road See this act and the notes thereto for a reference to the laws on the subject prior to March, 1812. The

act in the text is a supplement dividing the companies into five.

By the act of the 8th March 1815, (ch 4060.) Stoystown in the county of Somerset is declared a point through which the road shall pass instead of Somerset. Commissioners named to perform the duties required under the original act vol. 4, p. 272) for that part of the road which lies between Stoystown and Greensburg.

The governor to subscribe for 1300 shares in the Bedford and Stoystown company, (ch. 4060.)

Authorized to draw his warrant to the Stoystown and Greensburg company for such part of the sum subscribed as would be payable under the 9th and 10th sections of the act in the text, (ch. 4202.)

The governor is authorized to subscribe to the Harrisburg and Pittsburg road companies 2550 additional shares viz. to the Greensburg and Pittsburg company 400 shares, to the Stoystown and Greensburg company 650 shares, to the Bedford and Stoystown company 500 shares, to the Chambersburg and Bedford company 700 and to the Harrisburg and Chambersburg company 300 shares, (ch. 4437.)

The governor authorised to draw his

warrant in favour of the Stoystown and Greensburg turnpike company for 10,000 dollars. Harrisburg, Carlisle and Chambersburg company 10,000 dollars, to be paid in advance on account of the last subscription on the part of the state, (ch. 4611.)

The number of managers in the Harrisburg, Carlisle and Chambersburg, the Chambersburg and Bedford, Bedford and Stoystown reduced to six, (ch. 4966.)

The governor authorised to subscribe to the Harrisburg and Pittsburg road company 1600 additional shares to wit: to the Greensburg and Pittsburg company 180, Stoystown and Greensburg 300, Bedford and Stoystown 280, Chambersburg and Bedford 550, Harrisburg, Carlisle and Chambersburg 290 shares (ch. 4985.)

## CHAPTER 3859.

A supplement to the act entitled, "An act to provide for the erection of an additional court for the city and county of Philadelphia."

[Vol. 5, p. 223, sup. dō. 300, ch. 4356, 4948]

**SECT. 1.** *BE it enacted by the senate and house of representatives, of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor is hereby authorized to appoint and commission an additional judge in the district court for the city and county of Philadelphia, who in the absence of the president shall preside therein, and shall possess the same power, authority and jurisdiction, and be subject to the same duties, provisions and penalties, as the said president and assistant judges thereof, and shall receive a yearly compensation of two thousand dollars, payable quarterly, out of any money in the treasury.

An additional judge to be appointed.

**SECT. 2.** [Repealed, ch. 4356.]

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the jurisdiction of the District Court for the city and county of Philadelphia, shall extend to cases of insolvency, where any person or persons petitioning for the benefit of the insolvent laws, are or hereafter may be confined by virtue of process issuing out of the said court; but the jurisdiction hereby given is not to extend to any other case whatever.

Compensation of.

Jurisdiction to extend to cases of insolvency.

Passed 9th March, 1814.—Recorded in Law Book No. XIV. p. 230.

**NOTE.**—The acts (vol. 3, p. 223, 300 and 1st and 3d sect. of the act in the text,) continued for 4 years from 30th March, 1817, (ch. 4356.) and that act continued for 4 years from 30th March, 1821, (ch. 4948.)

The court was originally established by act of the 30th March, 1811, vol. 5, p. 223, to continue six years, by the name of "The District Court of the city and county of Philadelphia," to consist of a President and two associates, to have jurisdiction of all civil pleas and the same powers as the Court of Common Pleas of Philadelphia county, provided the

sum in controversy exceeds 100 dollars. No suit to be removed by *certiorari* or *hab. corp.* but judgment may be reversed on writ of error from the Supreme Court. To hold 4 terms each year, viz. on the 1st Mondays June, September, December and March, with power to hold adjourned courts. If necessary, the judges to sit daily 9 months in each year. No cause to be delayed beyond the 4th term including that to which the action was instituted. If the judges wilfully delay any cause, it shall be a misdemeanor in office. President to receive 2000 and the associates 500 dollars, [increased to 800,

1814.

vol. 5, p. 300, and by act ch. 4948, the associates to receive the same salary as the President.] Prothonotary of the Common Pleas to perform all the duties of Prothonotary of the District Court, [supplied, ch. 4356.] Sheriff to obey all orders; fees to be the same as in the Common Pleas. Jurors to be drawn from the wheels provided for special and general jurors, agreeably to the act Vol. 4, p. 237. Sheriff and commissioners annually to add a competent number of jurors for said court, (vol. 5, p. 223.)

The court may direct one or more panel of jurors, according to the acts vol. 4, p. 237, and 390 for any one term of the court, process for jurors may be returnable at such day as the court may appoint. Defaulting jurors being legally summoned, on proof thereof, and being three times called, shall forfeit a sum not exceeding 30 dollars, and every juror including those who shall not have appeared, shall forfeit for every default in not answering, a fine not exceeding five dollars, which sheriff to collect, and pay; to be applied according to the 3d sect. of the act vol. 4, p. 237. The court may remit the whole or any part of such fines, vol. 5, p. 300.

By act of 13th March, 1817 the court to consist of the same number of judges, with the same compensation. Proceedings of the court not to be affected by the limi-

tation of the former acts. Prothonotary to be appointed with like powers, compensation, accountability and security as the Prothonotary of the Common Pleas. The judges to have the power, and it shall be their duty, to issue writs of *habeas corpus*, as fully as any President of the Common Pleas can do by virtue of the act, vol 2, p. 275. (ch. 4356.)

The District Court to have concurrent jurisdiction with the Common Pleas by virtue of the act (ch. 4505.) to compel assignees to settle their accounts, (ch. 4780.)

Either of the president judges authorized to hold the court, (ib.)

The act of the 13th of March, 1817, (ch. 4356,) continued for 4 years from 30 March, 1821. The Court to consist of three judges of legal knowledge, one to be President, to receive the same compensation as the present, all actions, &c. to continue and be proceeded in as if there had been no limitation to the act of 1817. Any two of the judges to have power to try, &c. all civil pleas and actions and exercise the same powers as are now vested in said court, (ch. 4948.)

See ch 4948, and notes thereto.

The Supreme Court cannot discharge an insolvent debtor in confinement under process from the District Court, 5 Bin. 518.

## CHAPTER 3860.

An act to validate and confirm the proceedings of Joshua Davis, late justice of the peace in Northampton county.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* all acknowledgments of deeds and other official and judicial proceedings had and taken before Joshua Davis, a justice of the peace in East Penn township, Northampton county, prior to the first day of April, one thousand eight hundred and eleven, he and the same are hereby confirmed and made as valid as if he had resided within the district for which he had been appointed.

Passed 9th March, 1814.—Recorded in Law Book No. XIV. p. 231.

## CHAPTER 3866.

An act to repeal certain acts therein mentioned, relative to intrusion on lands in Luzerne and other counties within this commonwealth, and for other purposes.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That* the act entitled "An act to prevent intrusions on lands within the counties of Northampton, Northumberland and Luzerne, passed the eleventh day of April, one thousand seven hundred and ninety five, and a supplement thereto, passed the sixteenth day of February, one thousand eight hundred and one; and also an "Act to maintain the

Proceedings  
confirmed,  
&c.

Certain acts  
repealed.

Vol 3, p 209,

(ib.)



territorial rights of the state, and protect the property of persons holding lands under the same," passed the sixth day of April, one thousand eight hundred and two, be and the same are hereby repealed. 1814. Vol. 3. p. 525.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any deed or conveyance for lands heretofore executed, during the time the acts repealed by the preceding section were in operation, although the same did not recite the title agreeably to the provisions thereof, are hereby declared to be good and effectual wherever and whenever the grantor in said deed or those claiming under him can shew a title derived from the late proprietories, or from the commonwealth of Pennsylvania, any thing in the said acts to the contrary notwithstanding. Certain deeds and conveyances validated, &c.

Passed 6th March, 1814.—Recorded in Law Book No. XIV. p. 235.

NOTE.—See vol. 3, p. 209, and ch. 5045, and notes thereto.

A deed was offered in evidence which contained not only the land in dispute within the 17 townships and had been submitted agreeably to the act of 4th April, 1799, but also for other land to which no title was derived from the commonwealth or the proprietors. There was no evidence of execution, except the acknowledgment before a justice in Luzerne county. The question was whether the acknowledgment was valid. The Common Pleas had rejected the deed.

Tilghman C. J. The object of the act 6th April, 1802, was to cut up the Connecticut title by the roots. If the conveyance of that part of the land which lies within the 17 townships had not been connected with other prohibited land would have been effectual and the acknowledgment good. Nor have I any doubt but

that the estate of the grantor in the land within the 17 townships passed by the deed, although other prohibited lands are contained in the same deed. The acknowledgment is a step preparatory to recording. If it may be acknowledged it may be recorded. But it can neither be acknowledged or recorded *in part*. The object of the law was to prevent the record of any conveyance of prohibited land and this would be frustrated if it could be done by joining in the same a conveyance of other lands. The act declares the *acknowledgment void*; how then can it be considered as in any respect good? It was my wish to have supported the acknowledgment, if it could be done without violating the act, because on another trial the subscribing witnesses may be called and the deed given in evidence. 6 Bin. 55.

## CHAPTER 3867.

An act to extend an act entitled "An act to improve the breed of sheep in certain counties of this commonwealth," to the counties of Chester, Beaver, Butler, Mercer, Venango, Crawford, Somerset, and Allegheny. [Ch. 3779.]

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the act entitled "An act to improve the breed of sheep in certain counties of this commonwealth," passed the twenty-ninth day of March, one thousand eight hundred and thirteen, be and the same is hereby extended to the counties of Chester, Beaver, Butler, Mercer, Venango, Crawford, Somerset, and Allegheny. (2) Act extended to the counties of Chester, &c.

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 236.

(2) The act (ch. 3779,) was confined to the counties of Delaware, Northumberland, Union, Columbia, Lycoming, Luzerne, Bradford, Fayette, Washington, Cumberland, and Centre, (afterwards extended to Erie, Bucks, Westmoreland, and Tioga ch. 4138,) enacting that if any ram shall be taken trespass-

ing in any inclosure at any time between the 1st August and 1st December, the owner of the ram to forfeit two dollars. If the owner be not known, the ram to be taken up and advertised, and if no owner appear, the ram to be forfeited to the then possessor.

1814.

## CHAPTER 3866.

An act for dividing certain counties of this commonwealth into districts for the appointment of justices of the peace.

**SECT. 1.** *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the counties of Armstrong, Beaver, Bedford, Berks, Butler, Bradford, Cambria, Clearfield, Columbia, Dauphin, Erie, Fayette, Indiana, Jefferson, Lebanon, Lehigh, Luzerne, M'Kean, Mercer, Northampton, Northumberland, Potter, Schuylkill, Susquehanna, Tioga, Union, Venango, and Warren, in this commonwealth, shall be respectively laid off by the commissioners of the said counties, in suitable districts for the appointment of a competent number of justices of the peace; and for this purpose it shall be the duty of the said commissioners to meet together in their respective counties, at the seat of justice for the same, on or before the fourth Monday of October next, and to continue from day to day until they have completed a list or draft in numerical order of the number of districts contained in their respective counties, and shall transmit a duplicate return of the same, containing the number and description of the bounds of each district, the number of taxable inhabitants and of acting justices within each, and as near as may be the local residence of such justices; and stating also the townships and parts of townships of which each district may be composed, to the office of the secretary of the commonwealth, on or before the second Tuesday of December next; and the said commissioners shall also transmit one other duplicate of the same to the office of the prothonotary of the proper county, which the said prothonotary shall enter and record in his office, and shall receive twenty-five cents for each district by him so recorded, to be paid by the county: *Provided always,* That where districts have been laid out in any of the said counties, the commissioners shall only perfect the same, by returning the townships or parts of townships out of which they are composed.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That the said commissioners shall not lay out their respective counties into a greater number of districts than is herein directed; *That is to say,* The number of districts in the county of Armstrong shall not exceed eight, Beaver six, Bedford fifteen, Berks twelve, Bradford eight, Butler six, Cambria eight, Clearfield eight, Columbia eight, Dauphin six, Erie six, Fayette thirteen, Indiana eight, Jefferson six, Lebanon five, Lehigh six, Luzerne ten, M'Kean six, Mercer eight, Northampton ten, Northumberland eight, Potter six, Schuylkill six, Susquehanna six, Tioga six, Union six, Venango six, and Warren six.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That if any of the commissioners aforesaid shall neglect or refuse to do and perform the duties required of them by this act, every commissioner so neglecting or refusing, unless prevented by sickness or unavoidable accident, shall forfeit and pay the sum of one hundred dollars for the use of the county, to be recovered with costs of suit by action of debt, in the name of the party prosecuting

Certain counties districted.

Duty of commissioners.

Report to be made to the secretary of the commonwealth.

And to prothonotaries.

Number of districts.

Penalties on commissioners for neglect.

or by indictment; *Provided*, The same be sued for within six months thereafter. 1814.

SECT. 4. *And be it further enacted by the authority aforesaid*, That no alteration of the number or boundaries of any district heretofore established, which may be made in pursuance of this act, shall affect the commissions, proceedings or authority of any justice of the peace, who shall have been commissioned previous to the first day of December next; but such justices shall be considered as having been commissioned for the district in which they shall be resident on the said first day of December.

Alterations not to affect justices appointed before 1st December, 1814.

Passed 14th March, 1814—Recorded in Law Book No XIV. p. 237.

By the 10th sec. 5th article of the constitution of Pennsylvania, the governor is required to appoint a competent number of justices of the peace in such convenient districts in each county, as shall be directed by law. By act, (vol. 3, p. 490,) no justice to act as such unless he resides in the district for which he is appointed.

No licence for keeping a tavern shall be granted to any person who at the same time hold a commission of the peace; and if any justice or alderman shall keep his office in any tavern or building appertaining thereto to forfeit 50 dollars. ib.

By the act, (vol 4, p 96,) the commissioners of certain counties were directed to lay them out into districts.

In case of the resignation. removal or death. of a justice, his docket, &c. to be

delivered to the nearest justice, or if his representatives choose to retain the docket, to deliver transcript. Justices to whom docket or transcript delivered to proceed thereon, (vol. 5, 169 )

The division of a township does not vacate the commissions of justices of the district. If it was to do so the smallest alteration in the boundaries would vacate all appointments. Judicial districts have been changed, yet new commissions have never been issued to the president, 4 Serg. and Raw. 276.

For a general view of the duties of aldermen and justices as they are prescribed in the various acts of assembly respecting them, see notes at vol. 5. p. 175, and the digest to the 5th vol. title Justice of the Peace.

## CHAPTER 3869.

An act supplementary to the act, entitled "An act to regulate the general elections, within this commonwealth," so far as respects the city of Philadelphia. [Vol. 3, p. 340.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the inspectors to be chosen in the city of Philadelphia to conduct the general election or a majority of them met for the purpose of choosing judges, as is provided for in the fourth section of the act to which this is a supplement, shall choose and take to their assistance six respectable citizens, qualified to vote, in addition to the number provided for by law; who, together with those provided for shall be the judges to assist the inspectors in conducting the elections held in said city; and the citizens so chosen, shall possess all the powers and perform all the duties, and shall receive the same compensation, and be subject to all the penalties provided for by the act to which this is a supplement.

Additional judges of election.

Passed 14th March, 1814.—Recorded in Law Book No XIV. p. 239.

NOTE—See vol. 3, p. 352, and ch. 5065, and notes thereto, for a general reference to all the acts, &c. on the subject.

1814.

## CHAPTER 3872.

An act providing for the inspection of spirituous liquors.

[Sup. ch.  
4119, see also  
4988.]To be inspec-  
ted, &c.Description  
of casks.Standard re-  
gulations.How to be  
marked.Governor to  
appoint in-  
spectors, &c.To give  
bonds and  
take an oath.Penalty for  
misconduct.

Form of oath.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, all distilled spirituous liquors of domestic manufacture, shall prior to exportation from the Port of Philadelphia, be guaged, inspected and marked as is hereinafter directed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no cask containing distilled spirituous liquors of domestic manufacture, shall be exported unless the same be made of well seasoned white oak free from sap, and made tight and secured with twelve good hoops on all barrels, and with sixteen good hoops on all double barrels and hogsheads.\*

SECT. 3. *And be it further enacted by the authority aforesaid,* That the following shall be received and taken as a standard regulation for the inspectors of domestic manufactured liquors; *that is to say,*

When liquor shall be ten [15 by act, ch. 4119,] degrees below hydrometer proof it shall be marked as liquor of first proof.

When liquor shall be five [10 by act, ch. 4119,] degrees below hydrometer proof it shall be marked as liquor of second proof.

When liquor shall be hydrometer proof, or one hundred parts spirit and one hundred parts water, [altered to 5 degrees below hydrometer, ch. 4119,] it shall be marked as liquor of third proof.

When liquor shall be five degrees above hydrometer proof, [altered to "when liquor shall be hydrometer proof, or 100 parts spirits and 100 parts water," ch. 4119,] it shall be marked as liquor of the fourth proof.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the governor of this commonwealth be and he is hereby directed, on or before the first day of May next to appoint and commission two persons to be guagers and inspectors of domestic distilled spirits.

SECT. 5. *And be it further enacted by the authority aforesaid,* That each of the persons who shall be appointed in compliance with the requisition of the foregoing section, shall prior to the performance of any of the duties prescribed by this act, shall execute bonds to the governor, on behalf of the commonwealth, in the sum of two thousand dollars, with two or more sufficient sureties, conditioned for the faithful performance of the duties imposed on them or any of them, by this act; and if any of the said inspectors shall make use of a false hydrometer, or guaging instruments, knowing them to be such, or in any other manner misbehave or abuse the powers hereby granted to them, the governor shall cause said bonds to be put in suit; and shall take and subscribe an oath or affirmation before some judge, alderman or justice of the peace of the city or county of Philadelphia, in the words following to wit: "I, A B, do swear or affirm (as the case may be) that I will honestly and faithfully guage, inspect

\* Repealed as to the heading, ch. 4119.

and mark spirituous liquors of domestic manufacture, to the best of my skill in the manner directed by the act, entitled, "An act providing for the inspection of spirituous liquors." And each of the said inspectors, before they enter on the duties of their office, shall cause a certified copy of such oath or affirmation to be filed in the office of the prothonotary of the Court of Common Pleas of the county of Philadelphia. 1814.

Copy to be filed in prothonotary's office.

SECT. 6. *And be it further enacted by the authority aforesaid,* That each of the said inspectors, before he shall proceed to execute the duties prescribed by this act, procure a correct set of guaging instruments: *That is to say,* Scale, calipers and rod, and also, Decas's Liverpool patent hydrometer; and he is hereby required to keep the same constantly in good order. Inspectors to procure instruments of a certain description.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said inspectors shall gauge, inspect and mark all casks barrels or hogsheads containing domestic distilled spirituous liquors intended for exportation as aforesaid; and when the said cask, barrel or hogshead shall be found to be made as hereinbefore directed, such cask, barrel or hogshead shall be marked with the letter P, with a marking iron, on the bilge near the bung: *Provided,* That the seller or owner of such barrels or casks shall be entitled to demand and receive from the purchaser or purchasers the sum of one dollar and twenty-five cents for each barrel, one dollar and seventy-five cents for each double barrel, and two dollars and twenty-five cents for each hogshead. How casks are to be marked. Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid,* That as soon as an inspector shall have ascertained the quantity strength and quality of the domestic distilled spirits contained in any cask, barrel or hogshead, and also ascertained the ullage, he shall mark the same in legible characters on the head of the cask, barrel or hogshead with lampblack, as casks are now marked by the officers of the customs of the United States, and he shall in order to distinguish the proof, write thereon 1 P, 2 P, 3 P, or 4 P, and the number of degrees above each intermediate proof, as the case may be: and whenever any liquor shall not be first proof, he shall mark the number of degrees below that proof, 1 D, 2 D, 3 D, or 4 D, as the case may be. Further directions for marking casks.

SECT. 9. [Supplied in part, ch. 4119,] *Provided,* The said spirits shall have come up to proof; and in case the said spirits shall not have come up to proof, then the said fee shall be paid by the person or persons offering the same for sale.\* Proviso.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if either the seller or purchaser of any spirituous liquor of domestic manufacture, or any other person on his behalf, shall be dissatisfied with any mark made, or about to be made by an inspector, upon any barrel, double barrel, or hogsheads, the mayor of the city of Philadelphia shall, on application to him made for the purpose by the person dissatisfied, appoint three reputable citizens to Mayor to appoint three persons to decide in cases of dissatisfaction.

\* The compensation for guaging, inspecting and marking, to be 20 cents for each cask, to be paid by the purchaser, (ch. 4119.) Reduced to 12½, (ch. 4988.)

1814. examine the same and decide thereon, and the decision of any two of the three persons so selected shall be final.

Penalty on inspectors for misconduct.

SECT. 11. *And be it further enacted by the authority aforesaid,* That if there shall be found to be a gallon less than the quantity marked in any barrel gauged and marked as aforesaid; if there shall be found to be two gallons less than the quantity marked in any cask containing two barrels, or if there shall be found to be more than three gallons less than the quantity marked in any hogshead, the inspector who shall have gauged and marked the same, shall pay to the person or persons who shall have been deceived and injured by such marking, double the value of each and every gallon which shall have been deficient, to be recovered before any alderman or justice of the peace as sums of the like amount are by law recoverable.

How recovered.

Penalty on inspectors for false gauging.

SECT. 12. *And be it further enacted by the authority aforesaid,* That if there shall be found to be a gallon more than the quantity marked in any barrel gauged and marked as aforesaid, if there shall be found to be two gallons more than the quantity marked in any cask containing two barrels, and if there shall be found to be more than three gallons above the quantity marked in any hogshead, the inspector who shall have gauged and marked the same, shall pay to the person or persons who shall have owned and sold the same, double the value of each and every gallon which any barrel, double barrel or hogshead shall have been found to contain more than the quantity marked.

Penalty for exportation of liquor not inspected.

SECT. 13. *And be it further enacted by the authority aforesaid,* That if any person or persons shall export as aforesaid, any barrel, double barrel or hogshead of spirituous liquor of\* domestic manufacture, before the same shall have been inspected and marked, as directed by this act, by the proper inspector, he or they shall forfeit and pay ten dollars for every barrel, and twenty dollars for every double barrel or hogshead which shall not have been so inspected and marked, or shall in any other manner export as aforesaid, any spirituous liquors of domestic manufacture, before the same shall have been inspected and marked as aforesaid, shall for every cask or other vessel containing such liquor, forfeit and pay the sum of twenty dollars, to be recovered by any inspector as sums of the like amount are or may be by law recoverable, and shall be appropriated to the use of the poor of the city and county of Philadelphia.

Mode of recovery.

Inspectors to keep books of entries.

SECT. 14. *And be it further enacted by the authority aforesaid,* That each of the inspectors who shall be appointed in pursuance of the directions of this act, be and he is hereby required to keep a book or books, and to enter therein from time to time, in a plain and intelligible manner, and at large, an accurate statement of the number of casks, barrels and hogsheads of domestic distilled spirituous liquors gauged, inspected and marked as aforesaid; specifying the number of gallons contained in each with the ullage, the proof marked on each, and the names of the persons for whom the same shall have been inspected, which book or books shall be open at all reasonable hours for the examination of all persons who may have occasion to examine the same. And if any inspector shall refuse or

\* The original reads "or."

neglect to record his proceedings as aforesaid, or shall refuse or neglect to give a certificate of such part thereof as any person or persons may require, the said person or persons having first offered as compensation in each case, the sum of twenty-five cents, he shall for every such neglect or refusal, pay to the party aggrieved any sum not more than twenty, nor less than five dollars, to be recovered before any alderman or justice of the peace as sums of the like amount are by law recoverable. 1814.

Penalty on inspectors for neglect or refusal to give certificates, &c. How to be recovered.

SECT. 15. *And be it further enacted by the authority aforesaid,* That whenever one of the inspectors directed by this act to be appointed, shall not be able to execute his duties as expeditiously as may be necessary, owing to the quantity which may be required to inspect, it shall be the duty of the other inspector to aid him when required to do so; but such inspector so assisting shall receive the full compensation, as if he had been engaged by the seller or purchaser to gauge and inspect the casks, barrels or hogsheads. Inspectors to assist each other in the inspection in certain cases Compensation.

SECT. 16. *And be it further enacted by the authority aforesaid,* That whenever any cask, barrel or hogshead of domestic distilled spirits shall have been re-inspected, the person offering to sell the same shall pay the fee to the inspector, if the proof shall not equal that marked on the cask, barrel or hogshead, and that the person purchasing shall pay the fee to the inspector if the proof shall equal that marked on the cask, barrel or hogshead. By whom fee for reinspection, to be paid.

SECT. 17. *And be it further enacted by the authority aforesaid,* That if any person or persons shall alter or deface any mark or number made or marked upon any cask, barrel or hogshead by either of the inspectors, directed by this act to be appointed, thereby to deceive and defraud the purchaser or purchasers of the domestic distilled spirits contained therein; or if any person or persons shall mark or put any false number or mark on any cask, barrel or hogshead; or if any person or persons shall mark or number any cask, barrel or hogshead of distilled domestic spirits intending to counterfeit the marks or numbers of the inspector, each and every such person shall forfeit and pay for each offence, not more than one hundred, nor less than fifty dollars; one half thereof to the use of the informer, the other half to the use of the poor of the city of Philadelphia, to be recovered in manner aforesaid. Penalty on defacing any marks. Or counterfeiting.

How fines are to be appropriated.

SECT. 18. *And be it further enacted by the authority aforesaid,* That it shall and it is hereby declared to be unlawful for any person who shall have been appointed an inspector by virtue of this act, directly or indirectly to sell or exchange any spirituous liquor of domestic manufacture; and if any person shall have violated this provision, the governor shall and he is hereby required, upon proof thereof having been made to his satisfaction, to remove such inspector from office. Persons disqualified to hold the office.

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 242.

NOTE.—See supplement to this act, ch. 4119, for various other regulations respecting the inspecting of spirituous liquors.

For gauging, inspecting and marking each cask of distilled spirits, taking out and replacing the bung when required, 12½ cents, (ch. 4988.)

By a resolution of the 21st March, 1821, the inspector of whiskey to report to the Auditor General, in the month of January, in each year, the quantity inspected during the preceding year, designating the number and kind of casks, as well as their contents, with the amount of his receipts and expenditures.

1814.

## CHAPTER 3873.

[Vol. 5, p. 288.]

A supplement to an act entitled, "An act to authorize the governor to incorporate a company for erecting a bridge over the river Susquehanna, at the Great Bend, where the ferry is now kept, opposite the houses of Abraham Dubois and Sylvanus Hatch, in the district of Willingborough and county district of Susquehanna."

## SECT. 1. [RATES of toll.]

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 249.

## CHAPTER 3875.

[Vol. 4, p. 292.]

A supplement to an act entitled "An act to incorporate the town of Gettysburg in the county of Adams."

SECT. 1. [(OBSOLETE.)] 2. When a vacancy occurs in any of the borough offices, the burgess, or if he be absent, dead or unable to act, the first named of the town council, to issue his precept to the high constable, or where such constable refuses to act, any of the members of the council, shall advertise and hold an election in the manner prescribed by the act of incorporation, giving at least ten days notice by four advertisements. 3. The street and road commissioners authorized to collect and apply the taxes in the same manner as is done by the supervisors of roads and highways, in the several counties under the general road laws.

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 251.

## CHAPTER 3876.

[Vol. 3, p. 70.]

An act explanatory of an act entitled, "An act for the sale of vacant lands within this commonwealth."

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That*

Warrantee to prove that he or some person for him was individually prevented by enemies of the U. S. within 2 years after date of warrant, &c.

before any person or persons claiming land north and west of the rivers Ohio, Allegheny and Conewango creek, by virtue of a warrant, shall recover against an actual settler or his representative, who may have made or commenced an actual settlement on the tract of land claimed by said warrantee or his representative, the said warrantee or his representative shall prove to the satisfaction of the court and jury or arbitrators, that the said warrantee or some person for him, did within two years from the date of his or their warrant, go on the land so claimed or attempted to go, and that he or such person was individually prevented by the enemies of the United States from settling said land, and that he or such person did persist during two years from the date of his or their warrant to settle and improve the same, or cause the same to be done, and shew circumstantially what attempts and what acts of persistance were made, or that he has made or caused to be made such settlement, residence and improvement as is required by the act of seventeen hundred and ninety-two, and within the time therein specified, and that such warrant or warrants were fairly obtained and executed, agreeably to the acts of seventeen hundred and ninety-two and seventeen hundred and eighty-five:

Vol. 3, p. 70.

Vol. 2, p. 317.



*Provided always*, That in all cases where a warrantee or his legal representative, shall within two years from and after the first day of April next, tender a conveyance for one hundred and fifty acres, with the usual allowance, including his improvement, clear of all expense, agreeably to the provisions of the act entitled, "An act providing for the settlement of certain disputed titles, to land north and west of the rivers Ohio and Allegheny, and Conewango creek," passed the twentieth day of March, one thousand eight hundred and eleven, and the said settler shall refuse to accept of the same, in all such cases the actual settler or those claiming under him, shall receive no benefit from the provisions of this act: *And provided also*, That nothing contained in this act shall affect any contract or contracts heretofore entered into between any actual settler and warrantee, but the same shall remain as if this act had not been passed.

1814.

Proviso—in case of a tender of a conveyance for 150 acres to settler.

Vol. 5, p. 206.

Proviso.

Passed 24th March, 1814.—Recorded in Law Book No. XIV. p. 252.

NOTE—This act placed the warrantee on very different ground from that on which he stood when he commenced his suit, because it had been decided that under the act of 1792 (vol. 3, p. 70,) it was not necessary to prove that he was individually prevented from making a settlement, it was sufficient to prove that the danger from the Indians at war with the United States was such as to deter any prudent man from attempting a settlement prior to the treaty of 1797, of Greenville. The act in the text does not extend to suits *commenced before its passage*. Nothing less than positive expressions would warrant a construction which would work such injustice as to subject a man to the loss of his action and the costs, by a retrospective law, although at the time he commenced his suit he was entitled to recover. This is not a new question. It has several times happened that acts of assembly have been made prohibiting suits of a particular nature, and that such suits have been depending when the acts were passed. 1 Bin. 601. 3 Serg. and Raw. 169, 590. 2 Cranch, 272. 7 John, 477. That such suits are not within the law is so conformable to the plain principles of justice that

no authorities are necessary. So far have the legislature been from expressly declaring an intention to extend the act to suits then depending, that a contrary intention may be deduced by reason irresistible. The word *recover* may without violence be confined to suits *commenced after the act*; but the proviso in the subsequent part of the act viz. as to the tender of 150 acres is decisive. This ought to be made before the commencement of the suit, otherwise injustice would be done to the settler who had the right to defend himself under this law as the case stood at the commencement of the suit. The intent of this act being to give the warrantee an opportunity of recovering by tendering a conveyance of 150 acres before he commenced his suit, it cannot extend to suits depending when the act was passed because in such cases a previous tender would be impossible. 4 Serg. and Raw. 401.

In this case the court expressed their doubts whether the act in the text extended to the case of a patentee.

See vol. 3, p. 70, ch. 3605, 3715, 4795, and note thereto.

## CHAPTER 3877.

An act for the sale of the residue of the reserve tract of land at the mouth of Big Beaver creek.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That William Leet and John Wolf senior, of the county of Beaver, and James Dennis of the borough of Beaver, be and they are hereby authorized and empowered to lay out in lots of not less than five, nor more than ten acres each, all the residue of the reserve tract of land at the mouth of Big Beaver creek, which yet remains the property

Commissioners to lay out lots in the reserve tract.

1814. of this commonwealth, in such manner as they may deem most advantageous to the commonwealth, and prior to the first day of December next, to sell the same at public auction, at the court-house in the borough of Beaver, first giving public notice thereof, at least three weeks in one newspaper printed in Pittsburg, one in Washington and one in Beaver; and on the day of the sale the said commissioners or a majority of them shall attend and publish the conditions thereof, which shall be as follows: viz. the purchase money to be paid into the state treasury within two years from the date of such sale; upon which payment being made, and a certificate from the commissioners, or a majority of them, of such person being the purchaser, the secretary of the land office is required to issue patents to such purchasers of the lots so sold: *Provided nevertheless*, That should such purchasers of the lots, sold as aforesaid, or any of them refuse or neglect to pay the purchase money, and procure their patents within two years after such sale as aforesaid, it shall then be the duty of the secretary of the land office, on the application of any other person or persons, and on the payment of the sum which was bidden for said lots with interest from the time such money became due, to issue a patent or patents to such applicant or applicants which shall vest a title as fully and effectually as though such person had been the original purchaser.\*

To sell at public auction.

Giving three weeks notice.

Conditions.

Proviso.

In case of neglect of purchaser, Secretary of land-office issue patents to applicants.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the secretary of the land office is hereby required on application to him made, to transmit a draft of the bounds of that part of the aforesaid reserve, which was sold on the tenth of June, one thousand eight hundred and five, to the commissioners aforesaid, who are hereby required immediately after they shall have performed the sales as aforesaid, to transmit a draft of the lots so laid out and sold by them to the secretary of the land office, with a duplicate containing the names of the purchasers and the sum for which each lot was sold.

To transmit drafts to commissioners.

Who after sales to transmit drafts of lots sold to secretary of land office, with names of purchasers.

SECT. 3. *And be it further enacted by the authority aforesaid*, That each of the said commissioners shall receive two dollars for each day they shall necessarily spend in performing the duties aforesaid; and reasonable expenses for surveying, advertising, &c. to be paid by the state treasurer on the settlement of their accounts.

Compensation to commissioners.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the public square situate in the north west corner of the general plan of the town of Beaver, which was reserved for public purposes be, and the same is hereby appropriated for a burial ground.

Public square appropriated.

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 253.

## CHAPTER 3879.

[Vol. 3 p. 530.] A supplement to "An act to enable the purchasers at Sheriffs or Coroners sales to obtain possession.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met,*

\* The limitation contained in the proviso to this section, is continued until the 22d December, 1818, (ch. 4269,) the same proviso is continued until the first Monday in January, 1824, (ch. 4513.)

and it is hereby enacted by the authority of the same, That any person or persons in possession under the defendant or defendants, in the execution on which the lands or tenements shall have been sold by title derived to him, her or them from the said defendant or defendants, before the judgment rendered against him, her or them under which the purchase may have been made, shall be entitled to all the rights, privileges and benefits contained in the second section of the act to which this is supplementary, and such person or persons shall not be dispossessed of the said lands or tenements by virtue of the first section of the said act. 1814.

Persons in possession under defendants to have the benefits of the 2d section of the original act.

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 256.

NOTE.—It had been considered that on an execution and sale of lands, conformably to the English law, that the sheriff could not give possession to the purchaser; and an elaborate and learned opinion and judgment on this point is to be found in Addison's Reports, p. 199. The legislature, therefore, by the act of April 6th 1802, vol. 3, p. 530, entitled "An act to enable purchasers at sheriff's or coroner's sales, to obtain possession," have remedied this inconvenience, and where the defendant or his tenant is in possession of the premises sold, the purchaser may serve a notice on him or them, requiring them to surrender the possession within three months after date of such notice, and upon neglect or refusal to comply therewith, the purchaser may apply to two justices and proceed to recover possession according to the well known form of proceeding in case of tenant's holding over, under the act commonly called the landlord and tenant's act: and a mode of proceeding is also provided where the party in possession disclaims holding under the defendant in the execution.

The act in the text provides that any person in possession under the defendant by title derived to him from the defendant before the judgment rendered against him, under which the purchase may have been made, shall be entitled to all the rights, privileges, &c. contained in the 2d section of the act (vol. 3, p. 532,) which provides that if the person in possession shall make oath that *he hath not come unto possession, and doth not claim to hold under the defendant*, that the title is disputed and claimed by some person other than the defendant, and if the person so claiming shall forthwith, or upon a summons returnable within 30 days, appear and on oath declare that he believes he is legally entitled to the premises, and shall become bound by recognizance, with one surety, in a sum sufficient to secure the rents which have, or may accrue before the final decision, costs and damages, conditioned to prosecute the claim with effect at the

next Court of Common Pleas, and in case of failure to surrender up the premises and pay the rents, then the said justices shall forbear to give judgment. Recognizance, when forfeited, to be for the use of the complainant and the justices shall give judgment and cause the lands to be allowed to him.

A certiorari lies from the Supreme Court to remove the proceedings of two justices of the peace, under the act vol. 3, p. 530, notwithstanding the provisions of the 24th sect. act 1810, vol. 5, p. 172, viz that no certiorari issued by the Supreme Court to a justice in any civil suit, shall be available to remove the proceedings had before such justice. This section relates only to cases where the demand does not exceed 100 dollars before a single justice, and not to proceedings before two justices, for the recovery of land. They must call a jury, so that it cannot be called a civil action before a justice. Although the act vol. 3, p. 550, declares that the judgment shall be final, it is a settled principle that these words do not take away the jurisdiction of this court; besides this, it is clear from the same section that the proceedings should be removed by certiorari, for it is provided that this writ shall not be a superadeas to prevent the execution, &c. *Lennox v. McCall*, 1817 3 Serg. and Raw. 95.

By the act in the text, the person in possession under the defendant may stay the proceedings to deliver possession to a purchaser, on making oath that he claims under the defendant in the execution by title derived before the judgment, and tendering security. Such oath is sufficient if it contains a positive averment that the title is derived from the defendant in the execution before the judgment, though it does not specify when the title commenced in possession. And it is sufficient if the oath and recognizance are tendered at any time before judgment is given by the two justices.—*ib.*

If the late sheriff has executed a deed and acknowledged it defectively his successor cannot, under the act of the 23d

1814.

March, 1764, (vol. 1, p. 262,) execute a new deed; but the late sheriff may acknowledge it again though out of office, 6 Bin. p. 254.

In ejectment against the defendant in the execution, or those claiming or coming into possession under him, the plaintiff need do no more than shew the judgment and the proceedings thereon; but if the ejectment is against one who is a stranger, the plaintiff must prove the title of the defendant as in other cases, 5 Bin. 270. 1 Yeates 21, 195, 305; 2 Yeates 86, 100, 443, 454, 456.

An acknowledgment of a sheriff's deed in court and a minute on record, is a

sufficient recording. 1 Sergeant & Rawle, 96.

Sheriff's deed may be read in evidence although not recorded until after ejectment brought. 2 Yeates 454, 456; but if acknowledged before the return it gives no title. 3 Yeates, 405.

The acknowledgment must be in the county where the execution issued. 1 Sergeant and Rawle, 92.

An entry in a private docket of the sheriff is not evidence that the land was struck off to a particular person, *ib.* 311.

See vol. 1, p. 8 and 61, for a general view of all the laws on the subject of taking lands in execution.

## CHAPTER 3882.

An act authorizing the governor to appoint commissioners to review a road laid out from John Campbell's bridge in Huntingdon county, by Sinkey's Gap to intersect the public road in Kishacoquillis valley in Mifflin county.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be and he is hereby authorized to appoint five commissioners to review that part of a road that lies in Mifflin county, laid out and marked under the provisions of the fourth section of an act of the general assembly, passed the second of April, eighteen hundred and eleven. It shall be necessary that four of the said commissioners shall be on the road the same time, and three of them agreeing shall be sufficient; and the said commissioners shall proceed to perform the said service at any time after the third Monday in April next; and if they should be of opinion that there is any alteration necessary in said road, they shall deposit a copy of the draft of such alteration, in the office of the clerk of the Court of Quarter Sessions, in the county of Mifflin, and the said clerk shall enter the same on the records, which shall be a record of the said road so altered, and from thenceforth shall be to all intents and purposes a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the court in Mifflin county. And that part of said road that lies in Huntingdon county shall be opened and kept in repair in the same manner as other roads laid out by authority of the court of Huntingdon county; and the Courts of Quarter Sessions respectively shall issue orders accordingly: *Provided,* That before the commissioners or either of them proceed to perform the duties enjoined on them by this act, they shall take and subscribe an oath or affirmation before some judge or justice of the peace, to perform said duty with fidelity.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners shall each receive two dollars for every day they shall be necessarily employed in the service aforesaid, with reasonable compensation for hands necessarily employed in surveying, chaining and making said road in said county, which

To appoint  
5 commis-  
sioners to re-  
view, &c.

Vol. 5, p. 273.

Time of per-  
forming the  
service.

Commission-  
ers report to  
the clerk of  
sessions.

Road how  
kept in re-  
pair.

Compensa-  
tion to com-  
missioners.

shall be paid out of the treasury of Mifflin county on orders to be drawn by the commissioners of the said county. 1814.

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 258.

## CHAPTER 3884.

A supplement to the act, entitled, "An act to enable the governor of this commonwealth to incorporate a company for making an artificial road by the best and nearest route from Waterford, in the county of Erie, through Meadville and Franklin to the river Susquehanna, at or near the mouth of Anderson's creek in Clearfield county: And also to incorporate a company for making an artificial road from the town of Northumberland, in the county of Northumberland, by the best and nearest route to the west branch of the Susquehanna river, at or near the mouth of Anderson's creek, passing through Derrstown, Youngmanstown, Aaronsburg, Bellefonte and Milesburg." [Vol. 5, p. 294, ch. 4534, 4539, 4784, 4792, 4841, 4952, 4973, 4985, sec. 69]

SECT. 1. [THE limitation of 3 years in sections 27 and 35, of the original act, (vol. 5, p. 294,) extended for three years, from the 22d February, 1815. 2. Commissioners appointed for the east section of the road.]

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 260.

NOTE.—By the original act (vol. 5, p. 294,) two companies were incorporated, one by the name of "The President Managers and Company of the Susquehanna and Waterford turnpike road," and the other by the name of "The President, Managers and Company of the Northumberland and Anderson's creek turnpike road."

The company authorized to commence the road at Waterford, Meadville, Franklin, and Anderson's creek, or at any other place between any two of these points, and the payment in advance and upon the completion of any given distance shall be made on the part of the state in the same manner and proportion as fixed by the act vol. 5, p. 294, authorizing the commencement of said road on both sides the Allegheny river. Oath to be taken by the President and Managers to perform their duties, &c. (ch. 4534.)

So much of the original act, and of the act in the text as expired on the 22d February, 1818, is revived and continued for 5 years and so much of the same acts as directs that Milesburg shall be a point in the road is repealed, (ch. 4559.)

Five companies are directed to be incorporated for making a road from Northumberland, &c. viz.

1. The Northumberland and Youngmanstown Turnpike Company.
2. Youngmanstown and Aaronsburg Turnpike Company.
3. The Aaronsburg and Bellefont Turnpike Company.
4. The Bellefont and Phillipsburg Turnpike Company.
5. The Phillipsburg and Susquehanna

Turnpike Company. Commissioners named and state subscription divided.

Authority is given to erect a toll gate on said road to collect tolls on the first 5 miles, (ch. 4792.)

The different companies authorized to erect a bridge on the west branch of the Susquehanna directed by the 28th sect. of the act vol. 5, p. 294, at the mouth of Sugar camp run instead of the point where the Susquehanna and Waterford turnpike terminates and that the expense shall be paid as directed by the 9th section of the act, ch. 4784 (see ch. 4841.)

The Phillipsburg and Susquehanna turnpike company authorized to construct their road by the best and nearest route from Phillipsburg to the site of said bridge at the mouth of Sugar Camp Run, and from thence to the west side of the river to the end of the Susquehanna and Waterford turnpike instead of carrying it on the east side of the Susquehanna as directed by the act, vol. 5, p. 294. The proviso in the 8th and the whole of the 28th section of that act repealed, (ib.)

Authority is given to erect a toll gate on said road to collect tolls for the second 5 miles (ch. 4952)

Provision is made for erecting a bridge over the Susquehanna near the mouth of Anderson's creek, where the turnpike crosses it, (ch. 4973)

The governor is authorized to subscribe for 15,000 dollars in shares of 25 each in the stock of the company for making a road from Susquehanna river at or near the mouth of Anderson's creek to Waterford to be laid out on the road between Franklin and Waterford, (ch. 4985, sect. 69.)

1814.

## CHAPTER 3886.

An act to enable the governor to incorporate a company to make an artificial road from the Valley Forge, in Montgomery county, to intersect the Philadelphia and Lancaster turnpike road, at or near the eight mile stone.

SECT. 1. [COMMISSIONERS named. Their duty. Price of shares to be 50 dollars. Route to be from Valley Forge to John Elliott's sign of the King of Prussia, thence to the sign of the Bird-in-hand, thence to intersect the Philadelphia and Lancaster turnpike near the eight mile stone. Notice to be given of the time of opening books. Commissioners may adjourn from time to time, upon giving notice thereof. Five dollars a share to be paid on subscribing. 2. When 500 shares have been subscribed by 50 persons, governor to issue letters patent creating them a body corporate by the name of "The President Managers and Company of the Valley Forge and Gulph Turnpike Road," with the usual corporate privileges. 3. Proceedings to organize the corporation. Power to make by-laws. To have the same privileges and be subject to the same restrictions as the "Great Valley and Wilmington Turnpike Company," (vol. 5, p. 280.) Road to be commenced in two and finished in five years. 4. Rates of toll.]

Passed 14.h March, 1814.—Recorded in Law Book, No. XIV. p. 262.

## CHAPTER 3888.

[Vol. 4, p. 50, A further supplement to an act, entitled, "An act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark, and township of the Northern Liberties." see vol. 1, p. 332, ch. 4152]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That when any warrant of seizure shall have been issued, the guardians of the poor shall give notice thereof to the garnishee, or person in whose hands the rights and credits of the defendant in the said warrant of seizures shall be, which said garnishee shall forthwith pay over to the said guardians of the poor the amount of such rights and credits, if the amount thereof shall be then payable, to abide the order and decree of the mayor's court of the city of Philadelphia, or the Court of Quarter Sessions in and for the said county, as the case may be; and if the amount of the said rights and credits shall not be payable until a future day, then and in such case, the said garnishee shall be responsible for the said amount, and shall give such security in the nature of a recognizance to the said guardians, as the alderman or justices issuing the said warrant or the said court shall direct, for a compliance with the order of the said court, to be made upon the said warrant of seizure; and if the terms of such recognizance shall not be complied with, the said guardians shall and may proceed to recover the amount thereof for the use of the poor, by action of debt, in such manner as other sums of equal amount are by law recoverable.

Garnishee to pay to the guardians &c. amount of credits, &c.... to await the decree of the mayor's court or Q. S.

To be responsible and enter into recognizance.

Proceeding in case of non-compliance.

Garnishee to answer inter-

SECT. 2. *And be it further enacted by the authority aforesaid,* That if such garnishee shall dispute the amount of such rights and

credits, or shall deny that he is indebted to the defendant in such warrant of seizure, the said guardians of the poor may file interrogatories in the said court, directed to the said garnishee, and give him notice thereof; which said interrogatories he shall answer in writing upon oath or affirmation, within such time as the said court shall direct, and if the said garnishee shall refuse or omit to answer as aforesaid, he shall forfeit and pay such a sum of money to the said guardians for the use of the poor, as the court shall order and direct, or in default thereof shall be imprisoned in the prison of the city and county of Philadelphia, not more than six months nor less than three months; and if the said guardians of the poor shall be satisfied with the said answers, and be willing to receive the amount admitted to be due to the defendant in the said warrant of seizure, in case the said warrant shall be confirmed by the court, the said garnishee shall forthwith, or as soon as it is payable, pay the said amount to the said guardians, to be disposed of according to law, or in default thereof the said court shall issue an attachment to compel the said payment; but if the said guardians shall be dissatisfied with the said answers, and dispute the facts contained therein, the said court shall appoint three persons to ascertain the amount of such rights and credits, whose report shall be filed in the said court and shall be final, unless appealed from within twenty days from the time of the said report being filed; but if either party shall appeal from the said report, the said court shall forthwith transmit all the proceedings in the said case, to the said district court for trial by jury, which said court shall fix a particular day for the trial of the said case at the first court after the proceedings shall have been transmitted, upon application of the said guardians of the poor, and the verdict and judgment thereon shall be final and conclusive to the parties, and shall and may be enforced by execution from the said district court to recover the amount so found by the jury.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That whenever the guardians of the poor of the said city, district and township, shall have seized and levied upon any lands and tenements by virtue of a warrant of seizure, under the laws heretofore enacted, it shall and may be lawful for them not only to receive the annual rents and profits of said lands and tenements, but also in all respects to use and exercise complete controul and ownership in and over and about the said lands and tenements, as fully to all intents and purposes as the owner or proprietor thereof might or could have used and exercised at the time of issuing such warrant of seizure, subject in all cases to the order of the court to which the warrant is returnable.

**SECT. 4.** *And be it further enacted by the authority aforesaid,* That all recognizances heretofore forfeited and unpaid, as well as all recognizances henceforth entered into by any person or persons in all cases prosecuted by or on behalf, or for the benefit of the said guardians of the poor, shall, when forfeited, be sued out at the cost of the said guardians of the poor, in the name of the commonwealth, for the use of the said guardians of the poor, and the amount recovered, shall be paid to the said guardians of the poor for the use of the poor of the said city, district and township.

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rogatories on oath.

Penalty refusing to answer.

Guardians being satisfied with the answers, garnishee to pay over amount.

On default attachment to issue.

If facts disputed, court to appoint 3 persons to ascertain the amount, &amp;c. Report to be final, unless an appeal 20 days.

In case of appeal proceedings transmitted, &amp;c.

Decree to be final, execution issue.

In case of levy on lands, &amp;c. guardians to receive the rents, &amp;c.

To exercise ownership.

Subject to the order of the court.

Forfeited recognizances to be sued at the expense of guardians.

Amount recovered appropriated.



1814. *SECT. 5. And be it further enacted by the authority aforesaid,*  
 That the aldermen of the said city, and the justices of the peace residing within the limits of the said district and township, and Penn township, shall severally have power and authority to issue legal process on any complaint made by the said guardians of the poor, to apprehend and arrest any person or persons, or to seize upon lands and tenements, goods and chattles, rights and credits, at any place, or places within the city and county of Philadelphia.

Aldermen and justices to issue process and arrest.

Managers to compel paupers to labour.

*SECT. 6. And be it further enacted by the authority aforesaid,*  
 That the managers of the alms house and house of employment shall have power to compel all paupers residing within the limits of the said alms house, who are able to perform such work within the said limits, as the said managers shall direct.

Collectors of taxes to reside within the ward, &c.

*SECT. 7. And be it further enacted by the authority aforesaid,*  
 That each of the persons who shall be appointed by the guardians of the poor to collect the poor taxes, shall actually reside within the ward, place, district or township, to which his duplicate has reference, and within which he is thus empowered to collect, and not elsewhere.

Treasurer to give bond, 10,000, dollars.

*SECT. 8. And be it further enacted by the authority aforesaid,*  
 That the obligation to be entered into by the treasurer of the said guardians, as required by the ninth section of the act to which this is a further supplement, shall be in the sum of ten thousand dollars.

*SECT. 9. [Repealed, and supplied, ch. 4909.]*

Managers &c in certain cases to receive persons without an order from guardians if removed to the house in 24 hours.

*SECT. 10. And be it further enacted by the authority aforesaid,*  
 That it shall and may be lawful for the managers of the alms house to receive into the alms house and house of employment, without any order from the guardians of the poor, any person or persons who shall suffer any fracture or fractures in their bodies or limbs, in the said city, district or township, and shall be removed to the said alms house within twenty-four hours after such accident shall have so happened.

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 267.

**NOTE.**—The act for the relief of the poor throughout the state passed the 9th March, 1771, (vol. 1, p. 332) was perpetuated on the 25th March, 1782 (vol. 2, p. 11.) So much of the act of 1771 as relates to the city of Philadelphia, Southwark and the Northern Liberties were repealed and supplied by the act of 1803 (vol. 4, p. 50) entitled "An act for the consolidation and amendment of the laws so far as they relate to the poor of the city of Philadelphia, the district of Southwark and the township of the Northern Liberties." For an abstract thereof see vol. 1, p. 346, with notes of several decisions on questions of settlement, &c. and references to the poor laws generally.

All monies collected for the poor of the city &c. to be under the controul of the guardians; the mode of filling vacancies in their body and erecting additional buildings prescribed, (vol. 4, p. 247.)

For a reference to the laws respecting fines appropriated for the poor and received by justices, &c. and the duties of sheriffs, clerks of courts, and constables herein, see also (vol. 1, p. 347, and vol. 4, p. 97, 133, 247.)

By the act of 1803, (vol. 4, p. 50,) on the 3d Monday of May next, the corporation of the city to elect 16, Southwark 6, and the justices (now the commissioners vol. 5, p. 38,) of the Northern Liberties 8, householders, inhabitants of the city, &c. to be guardians. After the appointment of managers, the remaining number to be divided by lot into two classes and successors to be appointed for one year on the 3d Monday in May and November annually. By the act, (vol. 5, p. 391,) the number of guardians to be, on the 3d Monday in May and November annually for the city, 10,) [increased to 11, ch. 4064,] for the North-



ern Liberties 6 [reduced to 5, and 2 added for Penn township, ch. 4064,] for Southwark 4, Kensington 3, (ch. 4837,) to be subject to all the duties penalties &c. &c. of the acts, (vol. 4, p. 50, 247,) and the act in the text.

The whole number of guardians is now 50, viz for the city 22, Southwark 8, Northern Liberties 10, Penn township 4, Kensington 6, half elected semi-annually, viz. on the 3d Monday of May and November. One manager to be chosen from Penn township, (ch. 4064.)

An officiating clergyman (a deacon in the Methodist Episcopal Church) is not bound to serve as a guardian of the poor notwithstanding he so far attends to secular business as to keep a store. Different societies require from their ministers different degrees of service. In all it has been deemed proper that they should devote a part of their time to the instruction of youth, and in *some* they are permitted to pursue business, without restriction. Each society has a right to regulate its own clergy; and until the legislature should think proper to express its will to the contrary, the court are bound to extend equal privilege to the mitred bishop and the unadorned *friend*. Decided by Tilghman C. J. and Yeates J. Brackenridge J. dissenting, declared that it was a matter of courtesy not to impose this duty on the clergy, and immunity is not a claim of right. The act which exempts in case of militia service proves this. This is not in affirmance of a common law known to us, it is introductory of a new privilege. The exemption proves a preceding obligation. There is no constitutional or legal impediment in the nature of the case. All trades and occupations might as well plead avocations, set up on incompatibility. In a state where every man may constitute himself a public teacher of religion, the plea of incompatibility would work inconvenience. If indulged to the full extent, and what is there to limit it, it would work a general inconvenience. There is no law or usage to justify such a plea. It is the first time that it was ever heard of in a court of justice in Pennsylvania it cannot be allowed. 5 Bin. 554.

A guardian may afford relief to the sudden necessity of a pauper, not exceeding 8 dollars within three months, and to report the case to the next meeting of the board, who are to take measures, if such pauper is a non-resident, to have him removed, (vol. 5, p. 391.)

No person to be admitted to the almshouse without an order of one guardian stating the reason, to be laid before the managers at their next meeting. No person from any state or territory, coming to inhabit here, not having a settle-

ment, except those who have one in Pennsylvania to gain a settlement only on the terms which would entitle him to a settlement in the state from whence he removed. If a pauper returns within one year after removal, he shall, on conviction be imprisoned not more than 30 or less than 10 days, and then be removed to his place of settlement, (ib.)

The husband of every wife, whose father or grandfather, mother, or grandmother, children or grandchildren, shall be unable to maintain themselves, being within the city, &c. not able to work shall, if of ability, maintain such poor persons as the mayor's court or Q. S. where such persons reside shall order on penalty of 7 dollars per month; provided the husband has obtained possession of personal property or be entitled to rents of real estate of the wife, then only to the value of such property, (ib.)

The guardians, &c. having obtained a warrant from two aldermen or two justices, to seize so much of the goods and chattles, rights and credits and receive the rents of the lands of every husband; &c. who shall without reasonable cause separate himself from his wife, and desert his children, or of a woman who shall desert her children, as the aldermen &c. shall order for providing for such wife, maintaining and bringing up such children, which being confirmed by the next mayor's court or Q. S. they are to make an order for the guardians to dispose of the goods &c. receive the rents, or so much thereof as shall be ordered by the court. If no estate is found the court to order the payment of a reasonable sum and commit such husband until he &c. comply with the order, give security, or be otherwise discharged by the court. On complaint made to an alderman, &c. of a wife or children neglected, &c. the alderman, &c. shall take security for the husband's &c. appearance at the next court, or for want of security commit such person, ib.

On this section of the law, and the poor laws generally, the following decisions have been made.

Complaint was made to two aldermen, that the defendant had deserted his wife, &c. they issued a warrant to the guardians to seize so much of the rents, &c. as should be sufficient for the support of his family. A seizure and return were made. The mayor's court directed the defendant to appear, on default the proceedings of the alderman were confirmed. It was objected that the aldermen should have specified, in their warrant, the amount of property to be seized. The case depended on the 6th sect. of the act, vol. 5, p. 393, which, after a recital, that men sometimes separate themselves without cause from their wives,

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&c. enacts that the guardians of the poor having obtained a warrant to take and seize so much of the goods and chattels, rights and credits, and receive so much of the rents &c. of such husband, &c. *as such two aldermen shall order and direct*, for providing for such wife, and maintaining and bringing up such child, &c. Nothing can be plainer than the directions of this act, the aldermen instead of complying with it, have transferred to the guardians of the poor, the authority of fixing the amount to be seized, which ought to have been exercised by themselves. This is a summary proceeding affecting very important rights, and should therefore be conducted as prescribed by law. If the guardians of the poor are to be judges of the *quantum* to be allowed, the issuing of a warrant is a useless expense, and it would have been better to permit them to seize of their own authority, and make return. It is said that the practice has been to issue the warrant as in this case. But it was a practice *sub silentio*, at least it has never been submitted to this court. Where the law is plain it should be obeyed, and if it proves inconvenient in practice, the legislature may amend it. The warrant being illegal, the seizure under it cannot be supported. The proceedings must therefore be quashed. No practice can be of so inveterate a nature as to justify a deviation from the plain injunctions of the acts of 1813, (vol. 4, p. 50) and 1812, (vol. 5, p. 393,) 1 Serg. and Raw. 239.

Justices have jurisdiction though there are no children; if the husband leaves the wife a charge on the public, she must not starve. So far as personal comfort is concerned it is immaterial whether she has children or not; the act speaks of wife or children. The case is within the plain provisions of the 30th sect. of the act, vol. 1, p. 333, that the estate of the husband separated from the wife shall contribute to her maintenance although they have no children. 2 Serg. and Rawle 363.

The following decisions have taken place, both in the mayor's court of the city, and in the Q. S. of the county of Philadelphia, viz. that where a husband or father is proceeded against by warrant from a magistrate to compel him to maintain his wife, &c. it must appear in some stage of the proceedings, that such wife &c. are a public charge, and the complaint must be made by the *guardians of the poor*, or approved by them.

The act does not require notice previously to the seizure; in many cases the husband may have gone off, and cannot receive notice, in which case the injured party would be without remedy. It is a summary proceeding in case of ne-

cessity. The warrant is returnable to the Q. S. where the proceedings must be confirmed before the property can be sold, (ib.)

Neither process nor binding over is required although it may be done if necessary, but where a defendant has appeared in the sessions, he has no cause of complaint. (ib.)

The proceedings are as much on the part of the township as of the wife who *may*, but cannot be *compelled* to petition for alimony but the township has a right to seek indemnification without her consent.

In this case the court of Q. S. of Lebanon county did not permit the defendant to "prove that he had not deserted his wife, but she had deserted him." In this the chief justice observes the sessions were clearly wrong. The seizure of a man's property, and exposing it to sale in a summary way, is a matter of great importance and the act forbids it to be done without an order of two justices, confirmed by the sessions. Why is this required if the husband is not to be heard? Or is it supposed that when a wife lives separate from her husband, his property may be seized and sold for her support be the fault whose it may: even if he be willing to maintain her, if she will come home and do her duty? The law is not so: and bad would it be if it were. The act recites that men sometimes separate themselves from their wives *without reasonable cause*, and then authorizes the seizure where the wife is *so left*, &c. viz. *without reasonable cause*. The Q. S. ought to have heard the evidence, and had no right to confirm the order without doing so. The refusal to inquire into the truth of the husband's allegation vitiates the whole proceedings.

Yeates J. The seizure was founded on the complaint of the overseers, and the representations of the wife. It is evident that the husband has not been heard in his defence; and when his counsel in the Q. S. offered to prove that he did not separate from his wife, that she deserted him, without reasonable cause, the testimony was overruled, after nearly two months consideration of the subject? This appears to me the grossest injustice! No man should be condemned unheard. If a woman elopes from her husband without reason, and will not be reconciled to him and return to her domestic duties he is not liable for necessities furnished her by a stranger. I can never believe that the defendant was concluded by the sentence in the sessions, and that his property should be seized and sold without allowing him an opportunity to contest the matter alledged against him. It would be a most unfortunate circumstance for many husbands, if this doctrine were adopted. I am of



opinion that there was palpable error in denying the defendant a hearing, and therefore the sentence ought to be reversed, (ib.)

Brackenridge J. absent

In the same case a motion was made to quash the *certiorari* on the 32d sect. of the act, vol. 1, p. 345, by which it is enacted that any person aggrieved by the judgment of the justices, given out of their sessions, may appeal to the next sessions (except in certain cases) whose decisions shall be conclusive. It is a general rule that the jurisdiction of *this court* cannot be taken away, except by express terms or irresistible implication. In this case there is neither; on the contrary, it seems to be a case in which the matter would be brought before the sessions, *without appeal*; because sale cannot be made until the order of the justices is confirmed; and indeed the warrant is returnable to the sessions, so that they must act upon it, whether there be an appeal or not. There is a variety of cases in which justices are authorized to make orders out of court, in which appeals may be entered, besides cases of this kind. But there is none in which it is more important that the court should possess jurisdiction, which if taken away, in any case, should be confined to those where the cause has been brought before the sessions by appeal. The motion to quash the *certiorari* rejected and the proceedings quashed, by Tilghman C. J. and Yeates J.

The managers to have power to examine, on oath, all paupers in the almshouse, as to their place of settlement, and in case of refusal to answer, to commit such persons, not exceeding 90 days, until released by the guardians, or otherwise discharged by course of law. Managers to report the case to the next meetings of the board, (vol. 5, p. 391.)

Guardians have authority to execute or depute others to execute warrants appertaining to their office, (ib.)

If the proper authority shall neglect to fill vacancies in ten days after notice, then the board authorized to do so. The secretary to give notice, and the person appointed to be subject to the duties, &c. as other guardians, (ib.)

So much of the 1st and 16th sect. of the act, vol. 4, p. 50, and of the 2d sect. of the supplement, p. 247, as is hereby altered, repealed, (ib.)

A lot of ground on the west of Schuylkill vested in the guardians and overseers of the poor of the city and county of Philadelphia in trust for the use of the poor thereof as a burial ground, (ch. 3672.)

So much of the 21st sec. of the act (vol. 4, p. 59,) as relates to aldermen and justices granting orders of removal, ex-

tended to Oxford and Lower Dublin in Philadelphia county, viz. that on complaint made by the guardians of said city, &c. that a person is, or likely to become chargeable, the alderman, &c. may by warrant directed to the guardians remove such pauper to the place where last settled, unless such person will give surety to indemnify the city &c. Persons aggrieved may appeal to the Mayor's Court or Q. S. Proceedings on such appeal, (ch. 4180.)

The same extended to Germantown, Bristol, Moyamensing, Blockley and Kingsessing, (ch. 4909)

So much of the 1st sec. of the act (vol. 5, p. 36,) laying a tax on dogs as respects the tax of the City, Southwark and Northern Liberties, as relates to granting it to the poor extended to Germantown. The damage to sheep in Northern Liberties and Germantown, to be paid by the directors out of the tax, (ch. 4909.)

So much of the act in the text (sec. 9,) as authorizes the guardians to demand from the county unclaimed jurors or witnesses fees repealed, (ib.)

Jurors, witnesses and arbitrators fees unclaimed for one year in the hands of sheriff, clerk of the Q. S., Oyer and Terminer, District Court or Supreme Court, and such as may be unclaimed for one year by any person residing in the county but out of the city, Southwark and Northern Liberties, to belong to the guardians or overseers of the city or district within which the jurors &c. resided when he became entitled to the same, (ib.)

An indented servant from *Europe* imported into the state gains a settlement where he first served 60 days, either with the master or his *assignee*. It is of no consequence that the *assignment* is voidable by the servant if he performs the service under it. If the assignment be void a service performed to the assignee, in one township, with the consent of the master in another, is a service with the master in the township of the assignee, and obtains a settlement there. 5 Bin. 81.

An order removing a married woman to the place of her settlement before marriage is not defective, because it omits to state that her husband had no known settlement. The court will not presume he had one, (ib.)

No indentment is to be made against an order of removal, (ib.)

On appeals the court is to decide according to the merits without regard to defects in orders, (ib.)

On an appeal the court may confirm the order in part and quash it in part, in which case neither party is entitled to costs. 1 Serg. and Raw. 387.

Notwithstanding the division of the Northern Liberties by which Penn township was erected, the same continues part

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of the corporation created by the act of 1803, vol. 4, p. 50, so far as relates to the payment of taxes for the poor, 2 Ser. and Raw. 108.

A decision of a dispute between two townships concerning a pauper, is conclusive upon a township subsequently created by a subdivision of one of them, (ib. 422.)

Where a pauper was chargeable to a township which was divided held that the overseers of the poor of one of the townships which maintained him after the division, might maintain *assumpsit* against the overseers of the other township for a rateable proportion of the expense of maintenance. 3 Serg. and Raw 117.

A woman and her 3 children were removed from Philadelphia to Bucks county. The mayor's court were of opinion, on appeal, that the mother and one child had a settlement there and confirmed the order as to them. The other two children being under the age of seven, were sent with their mother *for nurture only*. Held that this was not an original order, and that the court had a right to make it. The expense of their maintenance is to be borne by the place from which they are removed, but it was not decided that security can be required for it. 1 Serg. and Rawle, 387.

It is not necessary the order should state the age to which the children are to be supported, the law fixes seven, at which nurture ceases, (ib.)

No guardian to be directly or indirectly concerned in any contract for the supply of articles for the use of the alms house or

children's assylum. On conviction before an alderman or justice, to forfeit 100 dollars for the use of the poor, (ch. 5069.)

Auditors of the county elected by virtue of the act vol. 5, p. 19, to audit the accounts of the guardians agreeably to the provisions of the act, vol. 3, p. 15, (ib.)

*Assumpsit* lies against the overseers of the poor, made a corporation by the act vol. 1. p. 338, on an implied contract. 3 Serg. and Raw. 117.

The binding of an infant by the overseers of the poor, does not require that the infant should join in the indenture. On the assignment by them, the assent of the parent or guardian is necessary, (ib. 158.)

Overseers or directors of the poor authorized to sue for property of the pauper due in his lifetime, or after his death, to be applied to his maintenance, and balance to be paid his heirs &c. (ch. 4750.)

Any person bringing or causing to be brought into this state any coloured indentured servant above the age of 28 years shall be liable to the overseers of the poor of the city, townships, &c. to which any such negro, &c shall become chargeable, (ch. 5071.)

Directors of the poor of the several counties required to publish their accounts annually, with the number and description of their paupers and the profits arising from farms, &c., (ch. 4926.)

Commissioners to be appointed to investigate the causes and extent of the increasing pauperism in the city and liberties of Philadelphia, (ch. 5031.)

## CHAPTER 3889.

An act to enable the governor to incorporate a company for making a turnpike road from the Harrisburg bridge to the head of the York and Conewago canal turnpike road.

SECT. 1. [COMMISSIONERS named. Their duty prescribed. To procure books. Price of shares 100 dollars. Notice to be given of the time and place of opening books. To be kept open six days. Commissioners may adjourn from time to time. 2. Letters patent to issue when 200 shares subscribed by 50 persons creating the subscribers a body corporate by the name of "The President, Managers and Company of the Yellow Breeches turnpike road," with the usual corporate privileges. 3. Proceedings to organize the corporation and choose officers, &c. Company authorized to make by-laws, &c. To have the same powers and privileges and be subject to the same duties and restrictions as are by law prescribed for the "President, Managers and Company of the Susquehanna and York borough turnpike road," (vol. 4, p. 161.) Work to be commenced in three and completed in seven years. 4. Former act (vol. 5, p. 269,) repealed.]

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 272.

An act to alter an act entitled, "An act for erecting the town of Carlisle, in the county of Cumberland into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys, of the same, and for other purposes therein mentioned.

**SECT. 1.** [BOUNDS of the borough to be the same as directed by the original act (vol. 2, p. 17.) 2. Inhabitants entitled to vote for members of the assembly and who have resided there one year to be electors of borough officers. Chief burgess, assistant burgess, nine town council men, and high constable to be elected by ballot. Four persons to be elected at the same time as constables and their names returned to the next Court of Quarter Sessions. Two of them to be appointed with the same powers and under the same restrictions as are prescribed by the act, vol. 5, p. 161. Election to be held on the 3d Friday in March, annually. Judges, inspectors and clerks of election to be previously appointed, and take an oath, &c. When two candidates have an equal number of votes, the preference to be decided by lot. Certificates of election to be made out and signed by the judges, one to be delivered to the clerk of Quarter Sessions and the other to the person chosen. Vacancies to be supplied by a new election. 3. Burgess, &c. incorporated by the name of "The Chief Burgess, Assistant Burgess and Town Council of the Borough of Carlisle," with the usual corporate privileges. Yearly value of corporate property not to exceed 5000 dollars. Corporation to have a seal and the inhabitants hold two markets a week. 4. Penalty of 20 dollars for refusing to serve when elected to a borough office. 5. Officers to take an oath or affirmation. 6. The town council of whom five shall be a quorum, to hold meetings on the 2d Saturdays of April, July, October and January in each year. May make by-laws, &c. regulate markets, streets, buildings, party walls, assess taxes, &c. May appoint town clerk, treasurer, street commissioners, clerk of the market and collector annually. *Provided*, that no by-law be repugnant to the constitution and laws of the United States or of this state, and that no person be punished for breach of such by-laws until they have been published ten days, in newspapers or by advertisement in the English and German languages. In assessing tax due regard to be had to the valuation and no tax to exceed half a cent in the dollar of such valuation in any one year unless for some purpose of general utility approved by a majority of the taxables. 7. Burgess to issue his precept for the collector of taxes and pay them to the treasurer. 8. Town clerk to attend meetings of the corporation and keep the records and common seal. 9. Treasurer to give security. 10. Street commissioners, treasurer, high constable, clerk of the market and collector and other officers appointed by the corporation, to render their accounts in the month of April yearly to the council for settlement. 11. Chief burgess, assistant burgess and president of the council, constituted a court of appeal in cases of borough taxes, provided they have no other power than to determine the justness of the apportionment and remedy any grievance that may occur in imposing the same. 12. High constable to give notice and superintend elections. 13. Compensation to judges, inspectors, and clerk of election. Penalty

1814. for refusing to serve when appointed to any office by the town council. No person required to serve more than once in 3 years. 14. Appeal to the Q. S. in case of grievances. 15. Inhabitants of the borough competent witnesses in all cases arising under the by-laws, &c. 16. So much of the act of incorporation (vol. 2, p. 17,) as is hereby altered or supplied, repealed.]

Passed 14th March, 1814.—Recorded in Law Book No. XIV. p. 277.

### CHAPTER 3891.

An act establishing an academy in the borough of Northampton, in Lehigh county and granting a sum of money thereto.

SECT. 1. [ACADEMY established. First trustees named and made a body corporate by the style of "The Allentown Academy." Usual corporate powers granted. Yearly value of real and personal estate not to exceed 4000 dollars. 2. Number of trustees to be six. Term of service. Four trustees to be a quorum. Annual election for trustees to be on the 2d Tuesday in October. Provision for supplying vacancies. 3. First meeting of trustees to be on the first Monday of May next. 4. Trustees to appoint a treasurer. His duty defined. To give security. 5. 2000 dollars granted to the academy. How to be applied. Trustees to give bond to the governor to secure its faithful application. 6. Poor children not exceeding four to be taught gratis. Appropriation not to be paid until 1000 dollars subscribed and the buildings commenced. 7. Account of the trustees to be exhibited annually to the auditors of the county.]

Passed 18th March, 1814.—Recorded in Law Book No. XIV. p. 287.

### CHAPTER 3892.

[Vol. 1, p. 94.] A further supplement to an act for acknowledging and recording of deeds.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That each alderman of the city of Philadelphia and justice of the peace of this commonwealth shall have power to take and receive the acknowledgment or proof of all deeds, conveyances, mortgages or other instruments of writing, touching or concerning any lands, tenements or hereditaments situate, lying and being in any part of this state, and also power to take and receive the separate examination of any *feme covert* touching or concerning her right of dower, or the conveyance of her estate, or right in or to any such lands, tenements or hereditaments, as fully to all intents and purposes whatsoever, as any judge of the Supreme Court or president or associate judge of any of the Courts of Common Pleas within this commonwealth.

Passed 18th March, 1814.—Recorded in Law Book No. XIV. p. 291.

NOTE.—For a general reference to all preceding laws on this subject see act see also vol. 2, p. 316, vol. 3, p. 31, 59, vol. 4, p. 5, 266.

vol. 1, p. 94, 307, 422, and notes thereto The Mayor, Recorder and Aldermen



of the city of Pittsburg by act (ch. 4236, sect. 22,) of the city of Lancaster by act (ch. 4558, sect. 22,) the President of the District Court of Lancaster county by act (ch. 4924,) authorized to take the acknowledgment and probate of deeds, &c. which acknowledgments and probates to have like effect as if acknowledged before a judge of the Sup. Court or C. P.

The Mayor and Recorder of the city of Philadelphia to have power to take the *proof* of all deeds, &c. for lands in any part of the state, which to have the same effect as if proved before a judge of the Sup. Court, (ch. 4285.) By act of 1791, (vol. 3, p. 59,) these officers were authorized "to receive the proof or acknowledgment of all instruments of writing in the same manner as justices of the peace might or could have done," under the act of 1715, (vol. 1, p. 94,) or as justices of the Common Pleas, by the act of 1775, (vol. 1, p. 94.) By reference to these acts, it will appear, that none but justices of the peace, or of the Common Pleas of the county, in which the lands were situated, had power to take proof or acknowledgment of the deed whereby the lands were conveyed; consequently, the recorder of Philadelphia could receive the proof of deeds only within the city, or at most the county of Philadelphia. The power was enlarged in part by the act of 1799, (vol. 3, p. 392,) by which the recorder of Philadelphia was authorized to take acknowledgments of deeds for lands in any part of the commonwealth. Why he was not also authorized to receive the *proof* of deeds, the chief justice observes, I know not, but as no such authority is given, the court cannot confer it on him. We are of opinion, therefore, that the exemplification, offered in this case, was not evidence, the original having been recorded contrary to law. 2 Serg. & Rawl. 80.

All deeds, &c. made out of the state acknowledged by the party or proved by one or more of the subscribing witnesses before a judge of the Supreme Court or District Court of the U. S. or justice of the Supreme Court or Common Pleas of any state or territory and certified under his hand, and seal of the court, to be as valid, as if acknowledged, &c. in conformity to any law of this state. He is also authorized to take the acknowledgment and separate examination of a *feme covert* and to certify it with the same effect as any officer now authorized by law, (ch. 4713.)

All mortgages to have priority according to the date of recording, (ch. 4884.)

Assignments to be recorded in thirty days, (ch. 3607.)

The 1st sect. of the act of 1715, (vol. 1, p. 94,) requires that before a deed can be recorded it must be acknowledged by the grantor, or if he be dead, or cannot

appear, proved *by two or more witnesses*. The justice is to certify *the acknowledgment or proof*, which is to be authority to record the deed, by the 4th sect. deeds made *out of the province* may be proved by *one witness*. The 5th sect. enacts that copies of deeds *so enrolled* shall be evidence. The words of the act are too plain to be misunderstood. *Before the deed is recorded* it must be proved by at least two witnesses. To say that it may on the proof of one, would be to contradict the law. If a deed is recorded without authority a copy is no evidence. The legislature becoming sensible that proof by *two witnesses* was an unnecessary strictness have by the act of 1775, vol. 1, p. 422, declared that in case of deeds made hereafter, proof by one witness shall be sufficient, 4 Bin. 204, by Tilghman C. J. and Yeates J.

Before the act of 1775, (vol. 1, p. 422,) No man was obliged to record his deeds, (except mortgages) the purchaser was to look to the title at his peril. It was a great defect, but so was the law. The parties were at liberty but not required under the act of 1715, (vol. 1, p. 94,) to record deeds; one therefore dated in 1772, is good although not recorded. Qu: whether in cases of gross negligence by which others are injured, forms an exception to this principle. 5 Bin. 154, Serg. and Rawle, 44.

It was once supposed that subscribing witnesses were necessary to a deed, but of late it has been considered that such witnesses are not essential, that the deed may be good without them and that the jury may presume a sealing and delivery on proof of the hand writing. In this case which was *that of a bond*, it was also adjudged that an ink seal made with the flourish of a pen was sufficient. 1 Dall. 63, and 1 Serg. and Rawle 72.

No person can prove a deed until it appear that the subscribing witnesses are dead or not be had. 2 Serg. and Rawle 80.

A deed by husband and wife, executed in Baltimore county in the state of Maryland, where they resided, and acknowledged before two justices of the peace for that county, whose certificate was accompanied by the attestation of the clerk of the county court under *the seal of the court*, "that the persons who took the acknowledgment were justices of the peace, and that there were no magistrates superior to them in Baltimore county," is duly acknowledged within the act (vol. 1, p. 307.) which gives effect to acknowledgments by husbands and wife "made before any mayor or chief magistrate or officer of the cities, towns or places where such deeds are or shall be made or executed, and certified under the common or public seal of such cities, towns or places." The court also deter-



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mined that it is not essential that the words of the act in relation to acknowledgments by *feme covert* should be used by the magistrate. It is sufficient if the directions of the act are substantially complied with, and therefore if it appeared from the whole certificate that the contents of the deed were made known to the wife, it is as effectual as if the magistrate had certified that he read or otherwise made them known to her. Hence if it is said that she acknowledged the premises, "within mentioned," or the like to be the right, &c. of the grantee it is sufficient. 5 Bin. 296. 6 Bin. 438. Peters Rep. Cir. Co. U. S. p. 138.

Talbot's lessee v. Simpson, Circuit Court of the U. S. and Birchall v. Hopkins, Supreme Court of Pennsylvania, July, 1818, it was determined that it is not necessary that it should appear at all on the face of the certificate that the contents were made known to the wife. 5 Bin. 301.

Yost Brand and Catharine his wife, conveyed to Christian Brand on the 1st June, 1782. The deed was acknowledged in August, 1808, before a judge of the Court of Common Pleas of Dauphin county, who certified that the grantors personally appeared before him, "and severally acknowledged the said indenture as their act and deed, and desired that the same might be recorded as such; she the said Catharine being of full age separate and apart from her said husband examined, and the full contents made known to her *voluntarily consenting thereto*."

A question arose whether this acknowledgment was sufficient to pass the wife's right, although the words of the act of 24th February, 1770, (vol. 1, p. 307,) were not strictly pursued. And the court were unanimously of opinion that it was sufficient.

*Tilghman C. J.* It is insisted by the counsel for the defendant that the form prescribed by law should be exactly pursued, but the opinion of the court has always been different. It is sufficient if the law be *substantially* complied with, and in construing it, we shall always be inclined to support a fair conveyance if possible. Now it is here said that the wife was examined apart from her husband, that the contents of the deed were made known to her and she *voluntarily consented*. It is not straining the words "*voluntarily consenting thereto*," too far to say, that they imply she declared she executed the deed voluntarily, and that is sufficient, for if the execution was voluntary it was without coercion or compulsion. 6 Bin. 435.

Where merely an interest arising out of lands is given to a married woman her receipt therefor is a sufficient discharge, she may execute a deed of re-

lease without the acknowledgment, examination, &c. prescribed by the act of assembly for disposing of the real estate of *feme covert*. 1 Serg. and Rawle 275.

The certificate of the acknowledgment of a deed of a *feme covert* for the conveyance of her lands under the act (vol. 1, p. 307,) ought to state substantially, that she was separately examined, that she had a knowledge of the nature and consequences of the act she was about to perform, and that her will in the performance of it was free. A certificate that she was of full age separately and apart from her husband, examined and the contents made known without mentioning that she voluntarily consented thereto is insufficient. 4 Serg. and Rawle 272.

Deed of settlement made on a wife and children by persons who at the time had not sufficient estate to pay all their debts is void against creditors. 4 Dall. 305. 6 Bin. 338.

A deed to defraud creditors is void against them, but good against the grantor or his children. 1 Yeates, 291. 5 Bin. 109.

Where a deed has been acknowledged for the purpose of being recorded, the parties have no right to make the least alteration. An altered deed is not the same which is certified. The act of the magistrates is independent of the parties, and no consent of theirs can warrant them in falsifying it. 4 Bin. 1.

A purchaser is not bound to accept a deed in which there is a blank for the consideration, notwithstanding the grantor has after the acknowledgment, authorized an agent to fill such blank. In a title it is important to have every thing clear, to leave no room for law suits; it would be hard to make the purchaser *forfeit his title* because he refuses to accept a deed which might expose him to injury, (ib.)

A deed made under a power of attorney *acknowledged* before a chief magistrate of a city instead of being *proved* and certified under the public seal, is good under the common law of Pennsylvania, notwithstanding the act of 1705, vol. 1, p. 69, which directs that letters of attorney produced in court or before any magistrate, shall be proved by two or more witnesses before any mayor, &c. Peters' Rep. 433.

A deed more than 30 years old proved to have been in the possession of the party, is admissible in evidence without proof of its execution. 4 Wheat. p. 221.

William Hunter, by deed dated 22d May, 1772, conveyed land in Westmoreland county to Jonathan Smith. This deed was acknowledged before an associate judge of Bedford county, on the 30th November, 1809. It was objected, that an associate judge of Bedford county had no right to take an acknowledg-



ment of a deed for land in Westmoreland.

*Tilghman, C.J.* By the act of 1791, (vol. 3, p. 31) acknowledgments of deeds concerning lands in any part of this state, made before any associate judge of the Court of Common Pleas of any county in the state, shall be as effectual as if the same were made before one of the judges of the Supreme Court, or before the president of any of the Courts of Common Pleas within the commonwealth. By the 2d sec. of the act of 1785, (vol. 2, p. 317) acknowledgments of deeds concerning lands in any part of the state made before the president of the Court of Common Pleas of any county, shall be as effectual as if the same were made before any of the judges of the Supreme Court. The question then is, what authority had the judges of the Supreme Court as to taking acknowledgments of deeds? By the act for acknowledging and recording deeds of 1715 (vol. 1 p. 94) they may be acknowledged before "one of the justices of the peace of the proper county or city where the lands lie." It has been the constant practice for the judges of the Supreme Court to take acknowledgments under this act. This point was fully considered in the case of *Delancey's lessee v. McKean*, first in the Circuit and then in the Supreme Court of the U. S. (5 Cranch, 22.) The judges being fully satisfied of the ancient and uniform practice which had obtained in Pennsylvania, determined an acknowledgment before a judge of the Supreme Court made in December, 1772, to be good. The act of 18th March, 1776, directs that all deeds made thereafter shall be acknowledged before a judge of the Supreme Court or one of the justices of the Court of Common Pleas of the county where the lands lie, but makes no provision for deeds made before, so that the law respecting them still depends on the act of 1715.—It appearing then that a judge of the Supreme Court had power to take the acknowledgment, it follows that an associate judge of the Court of Common Pleas had the same power.

*Feates and Brackenridge, Justices, concurred* 1 Serg. & Rawle, 102.

A deed dated 15th March, 1786, was acknowledged before J. C. who styled himself "one of the justices of the Court of Common Pleas of Bedford county."—The acknowledgment bore no date and stated that the subscriber acknowledged it. The land lay in the county once Bedford, afterwards Huntingdon and then Cambria. Held by the Supreme Court, that such a deed ought not to be received in evidence. *Downing v. Gallagher*, 2 Serg. & Rawle, 457.

When a deed is executed by several attornies in fact, the acknowledgment should be by all as the act of their prin-

cipal, not as their own. 2 Serg. & Rawle, 80.

A bargain and sale of a warrant and survey, which in Pennsylvania gives the legal title alike, it is not complete until issuing a patent, is within the recording act of 1775 vol. 1, p. 422. and therefore if not recorded in six months, is void against a subsequent purchaser without notice. 4 Bin 140

A deed executed by a sheriff, cannot be acknowledged by his successor; but one who has been sheriff may acknowledge a deed executed while he was an officer, in which case the proceedings are under the act of 1764, vol. 1, p. 262, 6 Bin 254.

A purchaser at sheriff's sale is protected by the act of 1775, vol. 1, p. 422, against all conveyances not recorded, of which he had no notice, 6 Bin 119

A certificate of the secretary of the land office, verifying the copy of an entry in a book in the rolls office, which was abolished by act, vol. 5, p. 46, and the papers transferred is not evidence 4 Bin. 314.

Under the act of 1715, vol. 1, p. 94, which requires a deed to be acknowledged before a *justice of the peace* where the lands lie, it having been the long established practice the act of 1775, vol. 1, p. 422, to acknowledge a deed before a *justice of the Supreme Court*, although the act does not authorize such a practice, yet as it has prevailed, it is to be considered as a correct construction of the statute. 5 Cranch, 22, 31.

On construing the statutes of a state, on which titles depend, infinite mischief would ensue, should the courts of the United States observe a different rule from that which has been long established in the state; and in the case above cited, the court could not doubt that the courts of Pennsylvania consider a justice of their Supreme Court as within the description of the act, (ib.)

Under the same act (1715) when one tract is conveyed the law requires the deed to be recorded in the office of the county in which the lands lie; but if several tracts be conveyed neither the letter or spirit of the act, requires that the deed should be recorded in each county, (ib.)

Under the same statute, the validity of a deed is not affected by omitting to record it. Though not recorded it is binding to every intent and purpose whatsoever. The only legal effect produced by recording it, is the preservation of the original. (ib.) N. B. This, however, must be understood as applying only to deeds executed prior to the act of 1715. The act of 1775, vol. 1, p. 422, enacted that all deeds not recorded within six months shall be void unless such deed be recorded before the deed under which the subsequent purchaser claims.

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## CHAPTER 3893.

An act to enable the governor to incorporate a company, for making a turnpike road from Harrisburg bridge to Berlin in Adams county.

SECT. 1. [COMMISSIONERS named. Form of subscription. One hundred dollars to be the price of shares. Commissioners to give notice of the time and place of opening books. To be kept open until 800 shares subscribed. Notice to be given of the transfer of books from place to place, and adjourning from time to time. Five dollars a share to be paid on subscribing. 2. When 200 shares are subscribed governor may issue letters patent creating the subscribers a body corporate by the name of "The President, Managers and Company of the Berlin and Harrisburg Turnpike Road," with the usual corporate powers. 3. Proceedings to organize the corporation. Officers to be a president, eight managers and a treasurer, &c. Route of road prescribed. To have like powers, and privileges, and be subject to like restrictions, &c. as the "Downingtown, Ephrata and Harrisburg Turnpike Company," (vol. 4. p. 31.) No toll to be demanded of persons passing from one part of their estate to another, going to or returning from funerals, places of worship and militia musters, or electors going to or returning from elections. To be commenced in three, and finished in seven years.]

Passed 18th March, 1814.—Recorded in Law Book No. XIV. p. 291.

## CHAPTER 3894.

An act to enable the governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna near Harrisburg.

SECT. 1. [COMMISSIONERS named to receive subscriptions. To procure books. Form of subscription to be entered therein. Price of shares 50 dollars. Notice to be given of the time and place of opening books. One commissioner to attend. How long the books to be kept open. Number of shares which each person may subscribe for on the several days. Commissioners may adjourn from time to time on giving notice. Five dollars a share to be paid on subscribing. 2. When half the number of shares have been subscribed, the commissioners may certify to the governor who shall issue letters patent creating the subscribers a body corporate by the name of "The President, Managers and Company of the Harrisburg Canal." Usual corporate privileges granted. 3. Proceedings to organize the corporation. Officers to be a president, eight managers and a treasurer, to be chosen annually by ballot. Company to make by-laws &c. No person to have more than twenty votes. 4. President and managers empowered to make a canal, locks, &c. Course of canal marked out. 5. Annual meeting for the election of officers, to be held on the first Saturday of January. Non-user not to dissolve the corporation. Vacancies to be supplied by the board of managers. 6. Five members of the board to be a quorum for the transaction of business. Minutes to be kept of their proceedings. Mode of drawing orders on the treasurer. 7. Certificates of stock



to be issued, and be transferable. 8. Penalty on stockholders neglecting to pay their proportions. 9. President and managers, or their agents may enter on lands, &c. contiguous to the route, having first given notice and offered compensation for damage. How that damage to be ascertained.]

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof, as shall be necessary for the purpose of making, digging and perfecting the said canal, and of erecting and establishing all the necessary locks, works, roads and devices to such a navigation belonging and of erecting and establishing water-works, and manufacturing establishments on the said canal, if they can agree with such owners; but in case of disagreement, or in case the owner thereof shall be a feme covert, under age, *non compos mentis*, or out of the state or otherwise incapacitated to convey, then it shall and may be lawful to and for the said president and managers to apply to the judges of the Court of Common Pleas of Dauphin county, who upon such application, are hereby authorized, empowered, enjoined, and required to frame and issue one or more writ or writs as occasion shall require, in the nature of a writ of *ad quod damnum* to be directed to the sheriff of the said county, describing the same and naming the owner or owners thereof, and commanding the said sheriff that by the oaths and affirmations of twelve disinterested and lawful men of his bailiwick he shall enquire whether the person or persons owning any lands and tenements necessary to be used by the said president and managers, or which shall be injured by the establishment of the said canal, will suffer and sustain any and what damages by reason or means of taking any such lands, tenements, or other real hereditaments necessary for the use of the said canal and navigation and the locks, roads and works thereto belonging, or for the use of the said water-works and manufacturing establishments, and to return the same writ together with the finding of the said jury to the next Court of Common Pleas, to be held for the said county; after such finding and upon such writ being delivered to the said sheriff, he shall give at least ten days notice in writing, to the parties in the said writ named or their representatives, of the time of executing the same, and shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner as struck juries usually are, to whom he shall administer an oath or affirmation that they will diligently enquire concerning the matters and things in the said writ specified and a true verdict give, according to the best of their judgment and ability, without favour or partiality to any, and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements, or other real hereditaments in such writ specified, and having considered the quantity and quality of so much as shall be necessary to be vested in the said company for the purposes aforesaid, and the advantages which will accrue to the owners of such lands by the digging and perfecting of the said canal, as well as the disadvantages which shall be occasioned to them thereby, they shall cause the same to be minutely and exactly described by metes and

Make contracts with owners of lands.

Proceedings in case of disagreement.

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bounds or other particular descriptions, and shall value and appraise the injury and damages which the owner or owners of such lands, tenements, hereditaments or other improvements, will, according to the best of their skill and judgment, sustain and suffer by means of the same being vested in the said company, defining and ascertaining as well all such lands and tenements, liberties and privileges so to be vested in the said company as the several sums at which the said injuries and damages shall be so assessed; and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly setting forth all the matters and things aforesaid, and the sheriff shall forthwith return the same together with the said writ to the office of the prothonotary of the said county, and at the first court which shall be held in the said county, next after the return of any such writ, the judges of the said court shall examine the same; and if the said writ shall appear to have been duly executed and the return thereof be sufficient to ascertain the lands and tenements, rights, liberties and privileges intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment that the said company, paying to the owners as aforesaid, the several sums of money in the said inquisition assessed, or bringing the same into court for the use of such owners, and also paying the costs of the said writ, and of executing and returning the same, shall be entitled to have to hold to them and their successors and assigns forever, all and every the lands, tenements, rights, liberties and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof; and if any return so to be made shall not be sufficiently certain for the purposes aforesaid the said court shall award an inquisition *de novo*: *Provided*, that no water shall be taken from the said canal through the land of any person or persons, nor shall any water-works or manufacturing establishments be made or erected on the land of any person or persons excepting the land late of William Maclay, deceased, without the consent of the owner or owners thereof: *And provided further*, That if any of the said lands of William Maclay, deceased, shall be taken as aforesaid by the said company for the purpose of leading off the water from said canal whereon to erect water-works, or for manufacturing establishments, the owner or owners thereof shall have the right if of lawful age, and if minors, their guardian or guardians are hereby authorized and required to subscribe the value of the lands so ascertained and taken to the stock of the said company, which is hereby authorized and required to receive the subscriptions to the amount thereof, at any time after said amount shall have been ascertained in the books of the said company and to issue certificates for the same to the persons entitled thereto.

Proviso.

Manufacturing establishments not to be erected, except, &c.

SECT. 11. [Company to provide bridges where the canal crosses turnpike, &c.]

SECT. 12. *And be it further enacted by the authority aforesaid*, That if the said company after admitting any boats, rafts, or craft of any kind to enter the canal at the head thereof, shall not by locks or other devices provide and maintain an easy, safe, and ready pas-

Penalty not providing locks, &c.

sage for the same through the said canal into the Susquehanna at some point between the borough of Harrisburg and the mouth of Paxton creek, the said company shall forfeit and pay to the party injured for every day's neglect the sum of five hundred dollars, to be recovered as debts of the same amount are or shall be by law recoverable. 1814. ~~~~~

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president and managers so soon as the said canal and navigation shall be perfected to appoint such and so many collectors of tolls for the passage of boats, vessels and rafts in, through and along the same, and in such places as they shall think proper; and that it shall and may be lawful for such toll-collectors and their deputies to demand and receive of and from the persons having charge of all boats, vessels and rafts passing through the said canal and the locks thereto belonging, such tolls and rates for every ton weight of the ascertained burden of the said boats and vessels, and for every hundred feet cubic measure of timber, and twelve hundred feet board measure of boards, plank and scantling in rafts, as the said president and managers shall think proper at any lock or other convenient place at the said canal: *Provided*, that the amount of the said tolls shall not in the whole exceed the rate of six cents per mile, for every ton of the burden of such vessel, and for every hundred feet cubic measure of timber, and twelve hundred feet board measure of boards, plank or scantling. Collectors. Tolls may be demanded. Proviso, as to the amount.

SECT. 14. *And be it further enacted by the authority aforesaid,* That in order to ascertain the size of rafts and the tonnage of boats using and passing the said canal navigation, and to prevent disputes between the supercargoes and collectors of toll respecting the same, upon request of the owner, skipper or supercargo of such boat or raft, or of the collector of the said tolls, it shall be lawful for each of them to choose one skilful person to measure and ascertain the size of the said rafts or the number of tons which the said boat or vessel is capable of carrying, and to mark the said tonnage so ascertained in figures upon the head and stern of the said boat in colours mixed with oil, and that the said boat or vessel so measured and marked shall be permitted to pass through the said canal and locks for the price which the number of tons so marked shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner skipper or supercargo of such boat or vessel shall decline choosing a person resident within two miles of the place where such tolls are payable to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by the said collectors of tolls for the said company; and the toll shall be paid according to such measurement before any such boat or vessel shall be permitted to pass the place where such toll shall be made payable by the said company. Mode of ascertaining the size of rafts & boats. Tonnage to be marked on the boat.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the collectors of tolls duly appointed may stop and detain all boats and vessels using the said canal and navigation, and also all rafts passing the same until the owner, skipper or supercargo thereof Power of detention, in case of refusal to pay toll.

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And distrain  
part of the  
cargo, &c.

And sell.

shall pay the toll so as aforesaid fixed, or on default thereof may distrain part of the cargo therein contained, or a part of such rafts sufficient by the appraisement of three disinterested persons to satisfy the toll, which distress, shall be kept by the collector of the toll taking the same for the space of five days, and afterwards sold by public auction at some place in the neighbourhood in the same manner and form as goods distrained for rent are by law made saleable, rendering the surplus, if any there be after payment of the said toll and the costs of distress and sale to the skipper, supercargo or owner thereof.

SECT. 16. [Treasurer to give security. 17. Accounts to be exhibited annually to the stockholders. 18. Dividends to be declared on the first Mondays in January and July. 19. Company not to issue notes in the nature of bank notes, nor make discounts or receive deposits. 20. Canal to be completed in twelve years. 21. The legislature may resume the privileges hereby granted whensoever they shall be abused.

Passed 18th March, 1818.—Recorded in Law Book No. XIV. p. 297.

#### CHAPTER 3895.

[Vol 1, p 498, A further supplement to an act entitled, "An act for re-establishing the charter of the Second Presbyterian church in the city of Philadelphia, and for other purposes therein mentioned." sup. vol. 2, p. 409.]

SECT. 1. [THE articles of separation of the church in the Northern Liberties, and second Presbyterian church in the city of Philadelphia confirmed. Powers and privileges of the corporation not to be impaired by this act. 2. Trustees of the 2d Presbyterian church authorized to convey certain real estate. 3. Corporation may hold property not exceeding the yearly value of 2000 dollars besides pew rent.]

Passed 18th March, 1814.—Recorded in Law Book No. XIV. p. 315.

#### CHAPTER 3897.

[Formerly incorp. vol. 4, p. 340.] An act to erect the towns of Bellefonte and Smithfield in Centre county into a borough, and to repeal the act heretofore passed incorporating the borough of Bellefonte.

SECT. 1. [THE towns of Bellefonte and Smithfield erected into a borough. Bounds described. To be called "The Borough of Bellefonte. 2. Qualifications of electors. Annual elections when and where to be held. Officers to be a chief burgess, an assistant burgess and seven council men, and a high constable. Judges, inspectors and clerks of elections, to be chosen before the opening of the election, and to take an oath or affirmation. When two candidates have an equal number of votes, the choice to be made between them by lot. Certificates of election to be deposited with the clerk of the Quarter Sessions. Duty of the high constable. Vacancies to be filled by new elections. 3. Borough declared a corporation with the name and style of "The Chief Burgess, assistant Burgess, and Town Council of the Borough of Bellefonte," with the usual corporate privileges. Yearly value of corporate property not to exceed three

thousand dollars. May have a common seal. Two markets to be held in each week, on Tuesday and Saturday. 4. Penalty for refusing to serve when elected. How to be recovered and applied. No person to be liable to serve more than one year in three. 5. Officers of the corporation to take an oath or affirmation. 6. Five of the town council to be a quorum. Meetings to be held quarterly. May make by-laws, ordinances, &c. assess taxes, and appoint town clerk, treasurer, &c. No by-law or ordinance to be repugnant to the laws of the United States, or of this commonwealth. No tax to exceed one half per cent. except for some purpose of general utility, approved of by a majority of the taxable inhabitants. Taxes for the water works to be assessed on those only who use the water. Duty of treasurer. 7. Chief burgess or in his absence, the assistant to issue his precept for collecting taxes, and to carry the ordinances into effect. 8. Town clerk to keep minutes and records, and take charge of the seal, &c. 9. Treasurer to give bond. 10. Streets, lanes, &c. declared public highways. Supervisors appointed, and their duties. 11. Supervisors, treasurer, high constable, clerk of the market, collector, &c. to present their accounts annually to the council. 12. Board of appeal in case of taxes. 13. High constable to give notice of elections. 14. Town council to fix the salaries of officers appointed by them. Penalty of ten dollars for refusing to act. No person required to act more than one year in three. 15. Appeal for redress of grievances to the Quarter Sessions. 16. Act of 28th March 1806 erecting Bellefonte into a borough repealed, (vol. 4, p. 340.)]

Passed 18th March, 1814.—Recorded in Law Book No. XIV. p. 317.

#### CHAPTER 3899.

A supplement to the act entitled, "An act concerning the borough of Reading." [Ch. 3768.]

SECT. 1. [THE electors of the borough of Reading authorized to elect a town clerk, treasurer, clerk of the market, and two street supervisors, in the same manner, and at the same time as they elect burgesses and town council. Penalty of twenty dollars for refusing to serve when so elected.]

Passed 18th March, 1814.—Recorded in Law Book No. XIV. p. 328.

NOTE.—See ch. 3768, and notes thereto.

#### CHAPTER 3900.

An act for the election of an additional constable in the borough of Chambersburg in Franklin county. [Incor. vol. 4, p. 19, sup. ch. 4089.]

SECT. 1. [ELECTORS of the borough to elect four persons as constables, and return their names to the Q. S. who shall appoint two of them to fill the office of constable, subject to the provisions of the general law on that subject, (vol. 5, p. 161.)]

Passed 18th March, 1814.—Recorded in Law Book No. XIV. p. 329.

NOTE.—Provision is made for supplying vacancies in borough offices, and collecting borough taxes, (ch. 4089.)

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## CHAPTER 3901.

[Ch. 3656.]

A supplement to an act entitled, "An act to authorize the governor to appoint commissioners to lay out certain roads therein mentioned and for other purposes."

Commissioners.

To be sworn, &amp;c.

Draft where deposited.

How roads kept in repair

Commissioners compensation.

How paid.

Court to direct the opening of the road.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be, and he is hereby authorized and required to appoint three commissioners to review that part of the state road which lies in Berks county, laid out and marked under the provisions of an act passed the eighteenth day of February, one thousand eight hundred and thirteen; and the said commissioners, after having been sworn or affirmed, shall proceed to perform the said service at such time as the governor shall direct, and if they or a majority of them should be of opinion that there is any alteration necessary in said road, they shall deposit a copy of the draught of such alteration in the office of the clerk of the Court of Quarter Sessions of Berks county; and the said clerk shall enter the same on record which shall be a record of the said road so altered, and from thenceforth shall be to all intents and purposes a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the Court of Quarter Sessions in Berks county; for which service the said commissioners shall receive each two dollars, for every day they shall be employed in surveying, chaining and marking said road in said county, with reasonable compensation for hands which shall be paid out of the treasury of Berks county, on orders to be drawn by the commissioners of said county on the treasury thereof.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Courts of Quarter Sessions of the several counties through which the said road passes, from Jonestown in the county of Lebanon to Wilkesbarre in the county of Luzerne, on application for that purpose made, shall direct the supervisors of the townships respectively to open said road agreeable to the provisions of the act to which this is a supplement, and no motion shall be sustained by any of the courts aforesaid on any pretence whatever against the proceedings of the commissioners under this act or the act to which this is supplementary.

Passed 18th March, 1814.—Recorded in Law Book No. XIV. p. 330.

## CHAPTER 3902.

An act regulating Banks.

[Ch. 3998,  
4156, 4378,  
4487, 4604,  
4646, 4744,  
4763, 4789,  
4820, 4898,  
4959.]

State divided  
into 27 dis-  
tricts

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of establishing banking institutions the state shall be divided into twenty-seven districts as follows: viz. The city of Philadelphia shall be a district, and may establish three banks, one to be called the Mechanics' Bank of the city and county of Philadelphia; in which bank no person shall be eligible for a director except he





be a mechanic, actually engaged in his mechanical employment or occupation, and who has followed the same for the space of one year at least previous to his election, and shall cease to be a director when he shall cease to follow his mechanical occupation; one to be called the Commercial Bank of Pennsylvania; and the third to be called the Schuylkill Bank in the city of Philadelphia. The county of Philadelphia shall be a district and may establish two banks, one to be called the bank of the Northern Liberties, the banking house of which shall be kept north of Pegg's Run in the Northern Liberties, until otherwise determined by at least two-thirds of the stockholders residing in the county of Philadelphia, at a special meeting called for that purpose, of which meeting public notice shall be given in four of the daily newspapers printed in the city of Philadelphia for thirty days previous to the time appointed for said meeting, and stating specially the object of such call; and the other bank to be called the bank of Germantown, the banking house of which shall be kept in the village of Germantown. The county of Delaware shall be a district, and may establish one bank, to be called the bank of Delaware county. The county of Chester shall be a district, and may establish one bank, to be called the bank of Chester county. The county of Montgomery shall be a district, and may establish one bank, to be called the bank of Montgomery county. The county of Lancaster shall be a district, and may establish five banks one to be called the Farmers' Bank of Lancaster; one to be called the Union Bank of Lancaster; one to be called the Marietta and Susquehanna Trading Company; one to be called the Columbia Bank of Pennsylvania, and the other to be called the Lancaster Trading Company. [Name changed to that of "The Lancaster Bank," ch. 4604.] The county of Dauphin shall be a district, and may establish two banks, one to be called the Harrisburg Bank; the other to be called the bank of Swatara. The county of Lebanon shall be a district, and may establish one bank, to be called the bank of Lebanon. The county of York shall be a district, and may establish one bank to be called the York Bank. The county of Cumberland shall be a district, and may establish two banks, the one to be called the Carlisle Bank, and the other to be called the Pennsylvania Agricultural and Manufacturing Bank. The county of Franklin shall be a district, and may establish two banks, the one to be called the Bank of Chambersburg; the other to be called the Farmers' and Mechanics' Bank of Greencastle. The county of Adams shall be a district, and may establish one bank to be called the bank of Gettysburg. The county of Bucks shall be a district, and may establish one bank, to be called the Farmers' Bank of Bucks county. The counties of Northampton and that part of Wayne south of the Barrens shall be a district, and may establish one bank, with the privilege of establishing an office of deposit and discount at the town of Milford in the county of Wayne, and to commit the management of said office of discount to such persons as the directors of the Easton Bank may think proper, not being contrary to law, or the constitution of said bank, to be called the Easton Bank. The county of Lehigh shall be a district, and may establish one bank to be called the Northampton Bank.\* The counties of Berks and Schuylkill shall

County of Philadelphia  
a district—  
two banks.

Delaware,  
one.

Chester, one.

Montgomery, one.

Lancaster,  
five.

Dauphin, two.

Lebanon, one.

York, one.

Cumberland,  
two.

Franklin, two.

Adams, one.

Bucks, one.

Northampton and  
Wayne, one.

Lehigh, one.  
Berks and  
Schuylkill,  
one.

\* The charter of this bank having become void by an omission to comply with the requisitions of the 10th section, it was revived (ch. 4487.)

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Bedford, Somerset and Cambria, one.  
Mifflin, one.

Huntingdon one  
Centre Clearfield M'Kean  
Lycoming  
Potter and Tioga, one.  
Northumberland, Union and Columbia, one  
Luzerne, one.  
Susquehanna  
Bradford, and part of  
Wayne, one.  
Washington, one.  
Fayette and Green, two.  
Allegheny, Beaver and Butler, three.

Mercer Crawford, Erie, Venango and Warren, one.  
Westmoreland, Indiana Jefferson and Armstrong, one  
Commissioners named.

Books opened. Form of subscriptions

be a district, and may establish one bank, to be called the Farmers bank of Reading, and the directors or a majority of them may establish an office at the borough of Orwigsburg in the county of Schuylkill for the purpose of discount and deposit only, upon the same terms and in the same manner as shall be practised at the bank, and to commit the management of said office to such persons as they shall deem proper, not being contrary to law, or the constitution of said bank. The counties of Bedford Somerset and Cambria shall be a district, and may establish one bank, to be called the Allegheny Bank of Pennsylvania. The county of Mifflin shall be a district and may establish one bank at Lewistown, to be called the Juniata Bank of Pennsylvania. The county of Huntingdon shall be a district, and may establish one bank to be called the Huntingdon Bank. The counties of Centre, Clearfield, M'Kean, Lycoming, Potter and Tioga shall be a district, and may establish one bank, to be called the Centre Bank of Pennsylvania. The counties of Northumberland, Union and Columbia shall be a district and may establish one bank, to be called the Northumberland, Union and Columbia Bank. The county of Luzerne shall be a district, and may establish one bank, to be called the Susquehanna Bank. The counties of Susquehanna, Bradford, and that part of Wayne north of the Barrens, shall be a district, and may establish one bank, to be called the Silver Lake Bank.\* The county of Washington shall be a district, and may establish one bank, to be called the Bank of Washington.\* The counties of Fayette and Greene shall be a district, and may establish two banks, one to be called the Union Bank of Pennsylvania, and the other to be called the Monongahela Bank of Brownsville. The counties of Allegheny, Beaver and Butler shall be a district, and may establish three banks, one to be called the Bank of Pittsburg; one to be called the Farmers and Mechanics' Bank of Pittsburg, and the directors of said bank shall be by trade or by occupation mechanics or farmers, actually employed in their respective trades and occupations,† and one to be called the Bank of Beaver. The counties of Mercer, Crawford, Erie, Venango and Warren shall be a district, and may establish one bank, to be called the North Western Bank of Pennsylvania. And the counties of Westmoreland, Indiana, Jefferson and Armstrong shall be a district, and may establish one bank, to be called the Westmoreland Bank of Pennsylvania.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the following named persons shall be and they are hereby appointed commissioners to do and perform the several thing hereinafter directed, viz. [Here follows the names of commissioners to procure books and receive subscriptions for the several banks.] Which commissioners shall procure one or more books and in each of the said books, enter as follows, *to wit*: "We whose names are hereunto subscribed do promise to pay to the president and directors

\* The charters of these banks having been forfeited by an omission to comply with the provisions of the 10th section, they were revived. (ch. 4487, 4789.)

Acts and proceedings of the managers appointed by the stockholders of the bank of Washington to close the concerns of the company confirmed, &c (ch. 4959.)

† The Farmers and Mechanics banks of Pittsburg authorized to choose six directors who are not farmers or mechanics, (ch. 4744.)

of [*here insert the name of the bank for each district.*] the sum of fifty dollars for every share of stock in said bank set opposite to our respective names in such manner and proportions as shall be determined by the board of directors of said bank, in pursuance of an act of the general assembly entitled "An act regulating the banks." Witness our hands the

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day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and \_\_\_\_\_. And the Notice.

commissioners appointed in the city of Philadelphia shall give notice in at least two daily newspapers printed in said city, and the commissioners appointed in each county of the state shall give notice in at least one newspaper printed in the county, except that in counties where no newspaper shall be published they shall give notice in a newspaper printed nearest thereto and by at least three printed or written advertisements set up in the most public places within such county for four weeks at least, of the time and place or places (one of which shall be at the county town of each county) when and where the said several books shall be opened to receive subscriptions for the stock of the said several banks, at which times and places one or more of the commissioners for such city or county shall attend, and shall permit and suffer all persons citizens of this or any other of the United States who shall offer to subscribe in the said books, which shall be kept open for the purpose at least six hours in every juridical day for six days if six days shall be necessary; and on the first of the said days any person, being of the age of twenty-one years and a citizen as aforesaid, shall be at liberty to subscribe in his own name and for his own use, or in the name and for the use of any other person, a citizen as aforesaid, by whom he shall be authorized for that purpose, one or two shares; on the second day for any number not exceeding four; on the third day for any number not exceeding six; on the fourth day for any number not exceeding eight; on the fifth day for any number not exceeding ten; and on the sixth or any subsequent day for any number of shares not exceeding (including such shares as he shall have before subscribed or as shall have been subscribed in his name) one hundred shares: *Provided*, That when the number of shares following shall be subscribed the same shall be closed, *that is to say*, for the Mechanics' bank of the city and county of Philadelphia, the Commercial bank of Pennsylvania and the Schuylkill bank in the city of Philadelphia, each twenty thousand shares; for the bank of the Northern Liberties in the county of Philadelphia, ten thousand shares; for the Germantown bank in the county of Philadelphia, six thousand shares; in the county of Delaware four thousand shares; in the county of Chester nine thousand shares; in the county of Montgomery eight thousand shares; in the county of Lancaster twelve thousand shares for each bank, except the Columbia bank of Pennsylvania, which shall be entitled only to ten thousand shares; in the county of Dauphin for the Harrisburg bank twelve thousand shares, and for the bank of Swatara eight thousand shares; in the county of Lebanon eight thousand shares; in the county of York ten thousand shares; in the county of Cumberland for the Pennsylvania Agricultural and Manufacturing bank, twelve thousand shares, and for the Carlisle bank six thousand shares; in the county

Books how long kept open and what number of shares may be subscribed on successive days.

When books to be closed.

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of Franklin seventeen thousand shares; that is twelve thousand shares for the Chambersburg bank, and five thousand shares for the Farmers and Mechanics' bank of Greencastle; in the county of Adams seven thousand shares; in the county of Bucks eight thousand shares; in the county of Northampton eight thousand shares; in the county of Wayne south of the Barrens, six hundred shares; in the county of Lehigh two thousand five hundred shares; in the county of Berks ten thousand five hundred shares; in the county of Schuylkill one thousand five hundred shares; in the county of Bedford two thousand shares; in the county of Somerset fifteen hundred shares; in the county of Cambria five hundred shares; in the county of Mifflin five thousand shares; in the county of Huntingdon six thousand shares; in the counties of Centre, Clearfield and M'Kean, five thousand shares; in the counties of Lycoming, Potter and Tyoga, five thousand shares; in the county of Northumberland two thousand five hundred shares; in the county of Union two thousand five hundred shares; in the county of Columbia two thousand five hundred shares; in the county of Luzerne four thousand shares; in the county of Bradford nine hundred shares; in the county of Susquehanna nine hundred shares; in the county of Wayne north of the Barrens, five hundred shares; in the county of Westmoreland four thousand shares; in the counties of Indiana and Jefferson five hundred shares; in the county of Armstrong five hundred shares; in the county of Washington ten thousand shares; in the county of Fayette nine thousand shares, and in that of Greene three thousand shares, six thousand of which shall be for the Union bank of Pennsylvania and six thousand for the Monongahela bank of Brownsville; in the county of Allegheny ten thousand shares; in the county of Beaver one thousand shares; in the county of Butler one thousand shares; for the bank of Pittsburg in the county of Allegheny eight thousand shares, and in the county of Butler one thousand shares for the Farmers and Mechanics' bank of Pittsburg; and for the bank of Beaver to be kept in the town of Beaver, two thousand five hundred shares; in the county of Mercer one thousand shares; in the county of Crawford one thousand shares; in the county of Erie one thousand shares; in the counties of Venango and Warren one thousand shares; and the commissioners in each of the said districts may adjourn from time to time until the number of shares aforesaid, respectively shall have been subscribed, and if on ascertaining the whole number of shares subscribed in any district composed of two or more counties, the whole of the shares before mentioned shall not have been subscribed, the commissioners may receive subscriptions from persons residing out of the counties of such district for such number of shares as added to those before subscribed in the district will make up the number aforesaid: *Provided*, That the commissioners appointed for the bank of Pittsburg are hereby authorized and required on application to them made for that purpose by the president and board of managers of the Pittsburg Manufacturing Company, to take and consider the subscriptions already *bona fide* made to said company as part of the stock of the said bank of Pittsburg; but none of the said stockholders shall be at liberty to subscribe for any of the new stock until six days after the books for

Commissioners may adjourn, &c.

Proviso—as to bank of Pittsburg.

subscriptions are opened by virtue of this act. And said president and managers of the Pittsburgh Manufacturing Company, shall manage the concerns of the bank of Pittsburgh (except as to the duty of commissioners) until a new board of directors shall have been organized agreeably to the provisions of this act: *And provided also*, That the present stockholders in the Mechanics' bank of the city and county of Philadelphia, the Commercial bank of Pennsylvania, the bank of the Northern Liberties, the Farmers' bank of Lancaster, the York bank and the Chambersburg bank, shall, by the commissioners named for the said banks, be taken and considered as the subscribers thereto, so far as the amount of stock respectively and *bona fide* held by them, under their respective articles of associations; and the articles of associations of said banks are hereby recognized and established, so far as they are not inconsistent with this act, or the laws of this commonwealth. But the said stockholders shall not be permitted to subscribe for any additional stock in any of the said banks until after the sixth day of the opening of the books of the several banks aforesaid; and any of the said stockholders may withdraw the amount of money paid in on their subscriptions on notice in writing given to either of the said commissioners within the six days aforesaid. *And provided also*, That any person or persons holding stock in any bank named in this act prior to the passage of the same, either in their own right or in trust for any other person shall have a right, either in person or by his or her agent to demand and receive of the president or cashier of any of said banks, any sum or sums of money they have paid into said banks; and in case of refusal or neglect of said president or cashier at any time after the first day of June next to pay such sum or sums when demanded as aforesaid, they shall be able to sustain a suit for the recovery of the same, as debts of equal amount are by law recoverable.

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As to banks  
in Philadel-  
phia.

Proviso—as  
to persons  
holding  
shares prior  
to this act.

SECT. 3. *And be it further enacted by the authority aforesaid*, That every person offering to subscribe in the said books in his own name or in the names of any other person shall previously pay to the attending commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expences attending the taking such subscriptions and other incidental charges; and the remainder shall be paid over to the cashier of the company as soon as the same shall be organized and the officers chosen as hereinafter mentioned: *Provided*, That in case of the death, removal, or refusal of any or all the said commissioners herein appointed to perform the duties by this act required of them, the Court of Common Pleas of the proper county may on application to them made for that purpose appoint other commissioners to supply such vacancy or vacancies.

Five dollars  
to be paid on  
each share  
when subscri-  
bed.

Vacancies.

SECT. 4. *And be it further enacted by the authority aforesaid*, That when fifty or more persons in any of the districts aforesaid shall have subscribed not less than half the number of shares herein allotted to such district, and the sum of twenty per cent. has been actually paid on the amount so subscribed which the commissioners are hereby authorized to receive, the commissioners within such district, or a majority of them shall certify under their hands and seals,

When the  
number of  
shares sub-  
scribed and  
20 per cent.  
paid in.

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Letters patent may issue.

Corporate powers and privileges.

Seven persons first named to give notice to organize the corporation.


Certificates.

the names of the subscribers and the number of shares subscribed by each, together with the amount so actually paid to the governor of this commonwealth, and thereupon the governor shall by letters patent under his hand and seal of the state create and erect the said subscribers, and if the whole number of shares allotted to such district be not then subscribed, then also all those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style and title hereinbefore affixed to the bank of such district, and by such name they shall have continual succession and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have, hold, receive, possess, enjoy and retain to them and their successors, lands, tenements, and hereditaments, rents, goods, chattels, and effects of whatsoever kind, nature or quality, to an amount not exceeding in the whole the sum herein allotted to such district, including the capital stock of such company, except such as may be held by such company in security for debts, and the same from time to time to sell, grant, demise, alien or dispose of; to make and have a common seal and the same to alter or renew at their pleasure; to make by-laws not contrary to the constitution and laws of the United States or of this state, and generally to have and be invested with the duties, powers rights and privileges which by the laws of this commonwealth belong to corporations.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the seven persons first named in such letters patent shall as soon as conveniently may be, give such notice as is hereinbefore required to be given in such district previous to opening the books, to receive subscriptions of stock within the same, of the time and place by them appointed for the subscribers to meet in order to organize such corporation, and to choose by a majority of votes of the said subscribers by ballot thirteen directors; excepting the Mechanics' bank of Philadelphia [reduced to 13, ch. 4820] the Pennsylvania Agricultural and Manufacturing bank, and the Centre bank of Pennsylvania, which shall be authorized to elect twenty-one directors, and excepting also the bank of the Northern Liberties, which shall elect fifteen directors, to manage the business of such company until the next succeeding annual election as hereinafter provided. And at any election, stockholders residing in this state at the time of such election, may vote by proxy, when the instrument of writing constituting the same shall have been given and dated within two months preceding the time of holding the said election; but no person holding such proxy shall transfer the same or convey the power therein given to him to any other person.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the directors first chosen as aforesaid in each district shall procure certificates for the shares of stock of such company, and shall deliver one certificate signed by the president to be chosen as hereinafter directed and countersigned by the cashier and sealed with the common seal of the said corporation, to each person, for the share or shares as the stockholders may choose, by him, her or them subscribed and held, subject however to all the payments due and to grow due thereon.

SECT. 7. *And be it further enacted by the authority aforesaid,*

That the following shall be the fundamental articles of the said 1814.  
several companies or corporations to be created in pursuance of this act, *that is to say*: 

*Article 1.* The bank or banks of each district, shall be kept at Articles.  
such place within such district as shall be determined by the stockholders at their first meeting as hereinbefore mentioned, but two thirds of the stockholders may at any time change the site of any of the said banks to any other place within their respective districts, except that the bank for the district composed of the county of Dauphin shall be kept at Harrisburg, and the bank of the Northern Liberties and the bank of Germantown, which banks shall be kept as provided for in the first section. The affairs of each company shall be conducted by thirteen directors except as hereinbefore provided, to be chosen annually by the stockholders: and no person shall be a director who is not a stockholder and a citizen of the United States; no member of either branch of the legislature of this commonwealth shall be a director in any of said banks.\*

*Article 2.* The election of the directors of each district shall be by ballot, and shall be held on the third Monday of November in every year at such place within the district as the directors for the time being shall appoint, of which notice shall be given as is hereinbefore directed previous to the first election of directors. The directors so elected shall assemble on the Monday succeeding their election and choose one of their number to be president of the bank; they shall continue in office one year and until others be chosen and organized agreeably to the provisions of this act. If it shall happen that an election of directors be not made in any district on the day above prescribed, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election in such manner as the by-laws and ordinances of the corporation shall prescribe; and in case of the death, resignation, absence from the United States or inability of the president or any director to act, the board of directors shall choose another to supply his place during such absence or disability.

*Article 3.* For the well ordering and conducting of the elections, the directors in each district shall previously thereto appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same;† they shall determine whether the persons voted for are duly qualified to be elected directors and do come truly and plainly within the provisions of these articles, and after the conclusion of the ballot, shall decide and declare who are elected directors for the ensuing year.

*Article 4.* The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in the proportions following, that is to say: for each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten

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\* Judges and persons holding offices in the accounting or treasury department or land offices, or persons authorized to receive public monies of the state, declared incapable of being directors or cashiers of banks, (ch. 4646.)

† Judges of election are required to make oath or affirmation that they will well and truly perform their duty, (ch. 4744.)



1814. and not exceeding thirty, one vote ; for every ten shares above thirty and not exceeding fifty, one vote ; but no share or number of shares above fifty shall confer any right of voting, nor, excepting at the first election, shall any share confer a right of suffrage which shall not have been held three calendar months previous to the day of election, and unless it be held by the person in whose name it appears, absolutely and *bona fide* in his own right or in that of his wife, and for his or her own sole use and benefit, or as executor, administrator or guardian, in the right and for the use and benefit of some copartnership, corporation or society of which he or she may be a member, and not in trust for or to the use and benefit of any other person.\*

*Article 5* The board of directors in each district shall have power to make by-laws for the regulation and government of the corporation, to appoint a cashier and all other officers, clerks or other persons necessary for executing the business of the company ; and it shall be the duty of such board to take a bond of the cashier with two or more sufficient sureties to the satisfaction of such board, for a sum not less than five thousand, nor more than one hundred thousand dollars, conditioned for the faithful execution of the duties of his office or appointment ; nor shall he be allowed to carry on any other business either directly or indirectly than that of the bank, unless by permission of the president and board of directors, under the penalty of five thousand dollars, to be recovered by the directors for the use of the bank ; and the board shall take such security of their other officers, clerks or other persons respectively as the by-laws shall prescribe, and shall establish the compensation to be paid to the president, cashier, other officers and other persons of such company respectively, which together with all other expenses shall be defrayed out of the corporate funds.

*Article 6.* The total amount of the debts which any of the said corporations may at any time owe, whether by bond, bill, note or other contract, excepting the amount of money deposited in the bank for safe keeping, shall not exceed double the amount of their capital stock actually paid in ; and in case of excess the directors under whose administration it shall happen shall be liable for the same in their individual capacities, and an action of debt may in such case be brought against them or any of them or their or any of their heirs, executors or administrators in any court of record in this state or the United States by any creditor or creditors of such corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding : but this shall not be construed to exempt the said corporation or the lands, tenements, goods or chattels of the same from being also liable for and chargeable with the said excess. Such of the said directors who may have been absent when the said excess was contracted or creat-

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\* Persons (other than executors, administrators, or guardians) voting as proxies shall if required make oath, &c. that they are not interested in the shares which they represent, and persons voting in their own right, that the shares are really their own, (ch. 4744)

Nothing contained in the act to regulate proxies to affect the provisions of the act in the text, (ch. 4898.)



ed or who may have dissented from the resolution or act whereby the same was contracted or created, may respectively exonerate themselves from being so liable by forthwith giving notice of the fact to the stockholders at a general meeting which they shall have power to call for that purpose.

*Article 7.* No director shall be entitled to any emolument unless the same shall have been allowed by the stockholders of such bank at a general meeting; the stockholders shall make such compensation to the president for his extraordinary attendance at the bank as shall appear to them reasonable.

*Article 8.* The stated meetings of the directors of each bank shall be held at such times as the by-laws shall ordain, and special meetings may be held by particular appointments or upon the call of the president: a majority of the whole number of directors of whom the president shall be one, shall form a board or quorum for the transaction of any business, but ordinary discounts may be made by the president and four other directors. In case of sickness or necessary absence of the president, his place may be supplied by any other director whom he may by writing under his hand nominate for that purpose, or whom the directors present in case he should not so nominate, may appoint.

*Article 9.* The board of directors of any of the said banks or twenty stockholders thereof, being together proprietors of one-twentieth part of the stock of such bank, may at any time call a general meeting of the stockholders for purposes relative to the institution, giving such notice as is mentioned in the second article and specifying in such notice the object or objects of such meeting.

*Article 10.* A general meeting of the stockholders of each bank shall be held on the first Monday of November in every year, at which time the directors of such bank shall lay before them a general and particular statement of the affairs of such company.

*Article 11.* The stock of each of the said companies shall be assignable and transferable on the books of the company only in the presence of the president or cashier, and in such manner as the by-laws shall ordain; but no stockholder indebted to the institution shall be authorized to make a transfer or receive a dividend till such debt shall have been discharged or security to the satisfaction of the directors given for the same. No stock shall be assigned or transferred to any person or persons directly or indirectly, except citizens of the United States or corporations created by either the laws of the United States or any one of them.

*Article 12.* The rate of discount at which loans may be made by any of the said corporations, shall not exceed one half of one per centum for thirty days.

*Article 13.* Dividends of so much of the profits of the said several institutions as shall appear advisable to the directors of each, shall be declared at least twice a year on the first Mondays of May and November in every year, payable to the stockholders at any time within ten days thereafter; but dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired. If the directors of any of the said institution shall knowingly and wilfully

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make any dividend which shall impair the capital stock of such institution, the directors consenting thereto shall be liable in their individual capacities to the said company for the amount of the stock so divided, and each director present when such dividend shall be made shall be adjudged to be consenting thereto, unless he forthwith enters his protest on the minutes of the board and give public notice to the stockholders of the declaring of such dividend.

*Article 14.* It shall be lawful for each of the said corporations to hold such lands, tenements and hereditaments only as shall be requisite for its accommodation in relation to the convenient transaction of its business, and such as shall be bona fide mortgaged or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments obtained for such debts. Not more than thirty thousand dollars shall be expended by any one of the said institutions in procuring ground and erecting suitable buildings for the banking house, except in the city and county of Philadelphia, which shall not exceed fifty thousand dollars. None of the said corporations shall directly or through the agency of any person or persons whomsoever, either in trust or confidence, deal or trade with any profits, stock, money or effects in buying or selling any goods, wares or merchandize whatsoever; and all and every person or persons who shall, contrary to the true intent and meaning of this act, be engaged either as principals or agents in such buying, selling or trading, shall forfeit and pay treble the value of goods, wares or merchandize so traded for, one half to the use of the person prosecuting for the same, and the other to the state; but nothing herein contained shall be so construed as to prevent any of the said corporations from selling any public stock of which it may be possessed. The said several corporations shall not be at liberty to purchase any stock whatsoever except their own bank stock or other incorporated bank stock of this state, treasury notes or public stock of the United States, or in any loan proposed by the government of the United States, or stock in any of the incorporated companies of this state for the improvement of roads and inland navigation. *Provided*, the stock and treasury notes so purchased and loans so made to the government of the United States, shall at no time exceed one-fifth part of the amount of stock of such company. And the said several corporations shall not deal or trade in any thing but bills of exchange, gold or silver bullion, and in the stock and treasury notes aforesaid, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or goods which may be the produce of their lands.

*SECT. 8. And be it further enacted by the authority aforesaid,* That the bills obligatory and of credit under seal of the said several corporations which shall be made to any person or persons, shall be assignable by endorsement thereupon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as absolutely to transfer and vest the property and legal title thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and bills or notes which may be issued by order of any of the said corporations, sign-

Bills obligatory, &c. assignable, &c.

Promissory notes binding

ed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of such corporation, shall be binding and obligatory upon such corporation in like manner and with like force and effect as upon any private person or persons if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons: *that is to say*, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with the like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable and assignable by delivery only, and all notes or bills at any time discounted by any of the said corporations, or deposited for collection and falling due at any of the said banks, shall be and they are hereby placed on the same footing as foreign bills of exchange or as bills obligatory, so that the like benefit shall be had in the payment and the like remedy for the recovery thereof against the drawer and drawers, endorser and endorsers and their representatives, and with the like effect, except so far as relates to damages, any law, custom or usage to the contrary in any wise notwithstanding;\* and the bills and notes of any of said corporations originally made payable, or which shall become payable on demand, shall be received in all payments from the banks to the state of Pennsylvania, and may be received in all payments from individuals: *Provided*. That no note shall be issued by any of the said corporations of lower denomination than five dollars.†

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on the corporation.

Assignable & with like effect as bills of exchange, and like remedy for recovery.

No note to be issued for less than five dollars.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the several banking companies enumerated in this act shall make loans to the amount of one fifth of their capital actually paid in, for one year, to the farmers, mechanics and manufacturers of the district in which the bank shall be established if applied for, on sufficient surety being given by bond, mortgage or note or otherwise, at six per cent. per annum. And whenever the legislature of the state may require it, the aforesaid several banks, having had sixty days notice of such requisition, shall loan to the commonwealth a sum not exceeding one tenth of their capital stock paid in at the time such loan shall be required, at an interest not exceeding six per cent. per annum, for any term not exceeding five years.

Shall make loans to farmers, &c. for one year, equal to one-fifth capital paid in at six per cent.

SECT. 10. *And be it further enacted by the authority aforesaid*, That immediately after the declaration of the dividends or nett profits, on the first Monday of November in every year, the president, directors and company of each of the said banks shall transmit six per cent. on the whole amount of the dividends which shall have been declared on said day and during the preceding year to the state

Six per cent on dividends to be annually transmitted to the treasurer on the 1st Monday in November.

* The act to incorporate the Farmers and Mechanics Bank, (vol. 5, p. 20,) contains a similar provision as to discounted notes. In the case of that Bank against Greiner, executor of Massey, (2 Serg. and Rawle, p. 114,) it was decided that such notes were not to be considered as specialties with respect to the order in which debts of decedents are to be paid.

† The incorporated banks within the state were allowed to issue notes under \$5 during the war with Great Britain and one year afterwards (ch. 399S.) This act was extended till 1st January, 1817, (ch. 4156) and further extended until 1st October, 1817 and no longer. (ch. 4378)

1814. treasurer for the use of the commonwealth, accompanied with a certificate from the president of the bank, on oath or affirmation made before any alderman or justice of the peace, of the whole amount of the dividends which shall have been declared during the preceding year, including the said first Monday in November. And if the said banks shall at any time be exempted from the payment of tax or duty to the United States, then and during such exemption the additional sum of two per cent. on the dividends of each bank shall be transmitted as aforesaid to the state treasurer for the use of the commonwealth. And if any of the said annual payments be not made within two months after the said first Monday of November in every year, accompanied with the said certificate on oath or affirmation as aforesaid, or if no dividend shall have been declared and made during the preceding year ending with the said first Monday of November in every year, by any bank having been incorporated for six months previous to said last mentioned day, the charter of the bank so neglecting to pay or declare dividends, shall from thenceforth be absolutely null and void and of no effect whatsoever, and the said bank shall thenceforth be deemed and taken as dissolved, unlawful, and unincorporated, except that such bank shall be liable in its corporate capacity for the fulfilment of any and all contracts and agreements previously made and entered into, and shall be capable of compelling the fulfilment of any contract entered into previous to the said delinquency.*

In case of neglect charter to be void.

See sect. 10.

Duties of county commissioners.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the commissioners of the several counties within this commonwealth shall in the month of December in every year, under the penalty of one hundred dollars each, to be sued for and recovered in the name and for the use of the commonwealth as debts of equal amount are by law recoverable, transmit to the state treasurer a list of all the associations, lawful and unlawful, incorporated and unincorporated, for the purpose of banking, and of individuals or corporations that issue orders or notes payable to bearer or order in the manner or nature of bank notes, with the names of such associations, individuals or corporations, and the place where situate.

Of state treasurer.

SECT. 12. *And be it further enacted, by the authority aforesaid,* That it shall be the duty of the state treasurer, in the month of January in every year, to publish in all the newspapers printed at the seat of government, a list of all the banks or associations for the purpose of banking, and individuals and corporations issuing orders or notes payable to bearer or order, in the manner or nature of bank notes, noting the places where situated and particularly specifying such as are incorporated and lawful and such as are unincorporated and unlawful, and also to publish therewith in like manner the thirteenth and fourteenth sections of this act. †

* The banks whose charters became void under this sect. and have been renewed are the Northampton, Silver Lake, and Bank of Washington, (ch. 4487 and 4785.)

The state treasurer is directed to refuse the notes of such banks as do not pay specie, when offered in payment of debts or percentage due the state from any bank or banks, (ch. 4646.)

† Notes of an unincorporated association viz. those of "The Farmers and Mechanics Bank of Fayette county," after the act in the text and prior to that of 1817,

SECT. 13. *And be it further enacted by the authority aforesaid,* 1814.
 That all orders and notes in the manner or nature of bank notes which shall be issued after the first day of January next, by any unlawful and unincorporated bank, and all orders and notes payable to bearer or order in the manner or nature of bank notes which shall be issued after said day by any individual or corporation not incorporated for banking purposes by this or a special act of the general assembly for that purpose, shall be absolutely null and void and have no effect either in law or equity, and irrecoverable in any court within this commonwealth, and all notes taken by and discounted, and all contracts relative to business usually done by banking companies which shall be made with such unlawful and unincorporated bank, individual or corporation aforesaid after said day, shall in like manner be absolutely null and void and shall have no effect whatsoever either in law or equity, and irrecoverable in any court in this commonwealth: and it shall, moreover be the duty of every judge or justice of the peace within this commonwealth to dismiss with treble costs any suit brought for the recovery of any money or the fulfilment of any contract or engagement as soon as the same is discovered to have a connection of any nature or kind with any such unlawful or unincorporated bank, individual or corporation aforesaid, so as aforesaid published.*

SECT. 14. *And be it further enacted by the authority aforesaid,*
 That all and every association that shall after the first day of January next issue orders or notes payable to bearer or order in the manner or nature of bank notes, and all and every person or persons that shall after said day issue orders or notes payable to bearer or order in the manner or nature of bank notes, and all and every corporation that shall after said day issue orders or notes payable to bearer or order in the manner or nature of bank notes without being incorporated as a banking company for a term of years by a special act for that purpose by the general assembly of this commonwealth, or not so incorporated under this act, or having been incorporated by this act and not having complied with the provisions of the tenth section thereof, and every banking company heretofore incorporated continuing in operation as a bank after the expiration of its charter, shall be deemed and taken as an unincorporated and unlawful bank within the meaning of the preceding section, and published as such by the state treasurer in manner herein before directed.

SECT. 15. *And be it further enacted by the authority aforesaid,*

(ch. 4378,) (which repeals this section, so far as it respects notes, tickets or engagements of credit in the nature of bank notes, and gives a legal remedy as on a note, &c. lawfully issued,) are recoverable against the individual members, notwithstanding the notes contain a promise to pay "out of the joint funds according to the articles of association." 4 Serg. and Rawle 355.—See notes at the end of this chapter and at ch 4378.

* So much of this section as prevents the holder of any note, ticket or engagement of credit in the nature of a bank note, issued by an individual, bank, corporation, association or partnership by whom or whose agents the same has been made, &c. by reason of such note having been made in contradiction to law, repealed. The holder of every such note to have legal remedy as if legally made, (ch. 4378.) That part of the section as to "all contracts relative to business usually done by banking companies" appears to be still in force.

1814. That the president and directors of each of the said banks shall within the month of December in each and every year transmit to the auditor general an abstract of the debts and credits of such bank, as the same respectively stood on the first Monday of November next preceding of their real and personal property and of the rate and amount of their dividends for the preceding year; and the auditor general shall within the month of January in each year lay the same before the legislature.

Abstracts of debts and credits to be transmitted to auditor general, &c.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the legislature may at any time or times hereafter appoint a joint committee or committees whose duty it shall be to inquire and examine into the credit and situation of the said several banks to be established in pursuance of this act, to ascertain the debts and credits thereof and whether they are in a flourishing or declining situation, and for that purpose the directors of the said several banks for the time being shall furnish the necessary information to such committee or committees, and such committees shall have power also if they shall deem it necessary to demand the personal inspection of all the books and specie of the said banks that may tend to elucidate their inquiry; and the committee or committees having performed such duty, shall report to their respective houses the result of such examination: *Provided,* That this shall not be construed to imply a right of inspecting the account of any individual or individuals, bodies politic or corporate, with any of the said banks.

Committees may be appointed to inspect, &c.

Proviso.

SECT. 17. *And be it further enacted by the authority aforesaid,* That this act and the several corporations hereby created, shall be and continued until the first day of April in the year of our Lord one thousand eight hundred and twenty-five.

Charter limited 11 years.

SECT. 18. *And be it further enacted by the authority aforesaid,* That if it shall appear that the charters and privileges by this act granted to any of the banks herein mentioned are injurious to the citizens of this commonwealth, the Legislature shall have full power to revoke and annul them or any of them, at any time they may think proper.

Legislature to have power to revoke charters.

SECT. 19. *And be it further enacted by the authority aforesaid,* That any person or persons who shall print, sign, or be concerned in the printing or signing, any counterfeit note or notes, bill or bills, of any of the banks to be established in pursuance of this act, or who shall pass or be concerned in the passing any such counterfeit note or notes, bill or bills, knowing them to be such, or who shall alter or be concerned in the altering of any genuine note or notes, bill or bills, of any of the banks aforesaid and shall be convicted thereof, shall be sentenced to undergo a confinement in the jail or penitentiary house of Philadelphia for any term not less than four nor more than fifteen years and shall be kept treated and dealt with in all respects as is prescribed by the act entitled "An act to reform the penal laws of this state," passed the fifth day of April in the year of our Lord, one thousand seven hundred and ninety, and also to pay a fine not exceeding one thousand dollars.*

Counterfeiting.

Vol. 2, p. 531.

* The punishment for counterfeiting notes of the banks of North America, Pennsylvania and the Farmers and Mechanics Bank of Philadelphia is the same, (vol. 3, p. 138, vol. 5, p. 27.) For counterfeiting notes of the Philadelphia Bank the term of imprisonment is the same, but no fine is prescribed, (vol. 4, p. 156.)

SECT. 20. *And be it further enacted by the authority aforesaid,* 1814.
That the clause limiting the duration of this act shall not in any manner affect prosecutions for the offences enumerated in the foregoing section, but they shall be carried on against all offenders as if this act had been perpetual, and all persons committing any of the offences above mentioned after the expiration of this act, shall be prosecuted and punished in like manner as if this act had been perpetual; nor shall the limitation aforesaid affect the collection of debts due to or by any of said incorporations. Limitation clause not to affect prosecutions, &c.

SECT. 21. *And be it further enacted by the authority aforesaid,*
That the act supplementary to an act entitled "An act relating to the association of individuals for the purpose of banking," passed the nineteenth day of March, one thousand eight hundred and ten, be and the same is hereby repealed. (a) Certain acts repealed.
Vol. 5, p. 108.

Passed 21st March, 1813—Recorded in Law Book No. XIV. p. 332.

(a) This act was presented to the governor for his signature who returned it with his objections,† to the house of representatives in which it originated. It was afterwards agreed to by two-thirds of both houses on the 21st day of March, 1814.

† The bill, entitled "An act regulating Banks," was presented to me for my approbation on the 9th instant. I have given to its consideration all the faculties of my mind, and the feelings of my heart, and I regret to say that my convictions of duty to the community will not permit me to approve of its passage into a law. In returning the bill, as I do, for re-consideration, I respectfully refer the legislature to the objections transmitted, March 19th, 1813, against the bill, entitled "An act to establish a general system of banking." Those objections apply to the present bill with additional force, because it contemplates the establishment of a much greater number of money-coining institutions; thus spreading further and wider, the baleful effects which I cannot but think inevitable from such an establishment.

In addition to the objections on the journals of last session [*which are annexed, from the Journals Senate p. 484.*] I will briefly remark, that although the system proposed then, and this session enlarged upon, has been a year before our fellow-citizens, yet have none of them requested that it should become a law of the state. And I cannot divest myself of the fear that if it should become a law, it would tend only to enrich the wealthy and the speculator, while it would in various forms heap burthens on the poor and industrious. Permit me to hazard an opinion that changes of law have a great effect in a popular government to weaken its force, by preventing or destroying habits. A steady operation gives force to laws, and the government acquires dignity and respect in proportion to its uniformity of proceeding. This bill, I presume to say, will produce in society an unhappy effect. It legalizes the acts of illegal associations, and thus proves the weakness of the government. nay, it carries on its face a warrant for the infraction of the restrictive provisions, therein contained, and in my opinion goes far to encourage the infraction of all law.

It is a fact well ascertained that immense sums of specie have been drawn from the banks in Pennsylvania and certain other states, to pay balances for British goods, which eastern mercantile cupidity has smuggled into the United States. The demand for specie has in consequence been and still is so great, that the banks in Philadelphia and in some other parts have stopped discounting any new paper. I ask a patriotic legislature, is this an auspicious era to try so vast an experiment? Shall we increase this pressure? Shall we indirectly aid our internal and external enemies to destroy our funds and embarrass the government, by the erecting of *forty-one* new banks, which must have recourse for specie to that already much exhausted source?

Is there at this time an intelligent man in Pennsylvania who believes that a bank note of any description is the representative of specie? Is there not great ground for fear, a knowledge that forty-one new banks, having a nominal capital of more than seventeen million of dollars, upon the bare payment of one-fifth part, shall have the right (the inclination to do so cannot be doubted, under the predominant spirit of speculation) to throw into circulation an additional overwhelming flood of paper, and thus totally destroy the remaining confidence in that medium? And will not a hoarding of specie and a ruinous depreciation of bank notes, be the natural consequence of such a state of things?

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On the ground of principle, generally, I may confidently say that industry is the only permanent source of wealth. It secures subsistence, and advances our interest by slow, yet sure and regular gains, and is the best preservative of morals. Not so speculation (which this bill seems to invite;) it has the direct contrary effect: depending on no fixed principles, it opens a field for the exercise of ingenuity, ever on the alert to take advantage of the unwary in accidental variations of the things. The success of the speculator by profession, tempts the farmer and mechanic to forsake his accustomed honest pursuits. Launched on the wild sea of speculation; ever exposed to deviations from rectitude, his moral principle becomes weakened, and eventually all sense of commutative justice is destroyed.

Thus impressed as to the probable consequences of the bill, if enacted into a law, I should betray the trust reposed in me by my fellow-citizens if I were to approve its passage. To differ from the representatives of the people is painful to me, but to shrink from a responsibility which I consider myself in conscience bound to assume, would be criminal. I decline stating any objections which may have arisen out of the fluctuation of opinions amongst the members of the General Assembly during the pendency of the bill under consideration, and refer to them only to shew how the hopes and fears of the members themselves were raised and depressed and their opinions altered, by circumstances which could not at all influence others.

The bill is returned for re-consideration, under the most perfect convictions that my duty to our common constituents, to the state and the union, requires me so to return it. Duly respecting the judgment and motives of the legislature, and trusting to their liberality in viewing my conduct. (Journals Senate, p.

SIMON SNYDER.

The objections referred to, to the bill of the preceding session are as follows:

Nothing less than the most perfect conviction of my understanding and the strongest urgings of duty, could induce me to return, for re-consideration, a bill presented to me by the Legislature of Pennsylvania: with whom it has been my happiness to act in unison, and with whom even to differ in opinion gives me pain. I have, with an anxiety proportioned to its importance, and with the deference justly due to the constituted authorities which have passed it, read and carefully examined the provisions, tendencies, and probable consequences of the bill, entitled "*An act to establish a general system of banking,*" and cannot approve of it; and have accordingly directed the secretary of the Commonwealth to return it to the House of Representatives, where it originated, with the following objections:

1. Because corporations are privileged orders, vested with certain rights and immunities, not enjoyed, nor, without penalties, to be exercised by the great body of the people. And whenever an association of individuals are legally vested with such peculiar powers and privileges, it ought to be either called for by the general voice of the people, or be so manifestly for the promotion of the public weal, and beyond the accomplishment of individual enterprise and ability, as to satisfy the judgment, and thus secure the votes of an indisputable majority of the whole legislative assembly. This objection is founded on that equality of rights, which is the vital principle that pervades our constitution, gives it all its excellence, and dispenses the blessings which pre-eminently distinguishes the citizens of the United States.

2. Because every objection which can be urged against corporations generally, gathers weight and strength when directed against monied institutions; the undue influence of which has often been the subject of well founded complaint. To wrestle with and put down this influence, new associations have been formed; applications for new charters for similar establishments have multiplied; and in proportion as they have been granted, has been the multiplication of new applications. These facts apply with peculiar force to the city of Philadelphia, where those institutions had their origin, in this country; but should the system be enlarged, as contemplated by the bill under consideration, the evil will overspread the whole state, and it is much to be feared, will taint the purity of elections, and eventually prostrate the equal rights of the people.

3. Because it is questionable whether too much has not already been done in granting to corporations the privilege to *coin money*—a money which, not answering the purpose of foreign commerce, drains the country of its precious metals, and in their lieu substitutes a currency which is without any value, except what is stamped by public confidence. The granting such an inherent right of sovereignty to individuals, avowedly associated to promote their pecuniary interests, is putting it in their power to increase the circulating paper medium of the country to such an extent as will result in depreciation of, or a total want of confidence in, bank paper: events too deplorable not to be deprecated by every good citizen.

4. Because the most diligent inquiries, and information from the best sources,

have satisfied me that the present banking capital of Pennsylvania is equal to the discounting all the good paper, which for many months has been offered, or will be offered during the continuance of the war in which we are engaged; and therefore the establishment of twenty-five new banks, dispersed all over the state, with a capital of 9,525,000 dollars would by the readiness to give credit, invite to visionary speculations; divert men from useful pursuits; damp the ardor of industrious enterprise, and consequently demoralize the community.

5. Because as banks are multiplied, so will be increased the difficulty of distinguishing real from counterfeit bank notes; thus facilitating the means of imposition upon the ignorant and unwary, and, by the hope of impunity, tempting more to join in committing the crimes, already too prevalent, of counterfeiting and passing counterfeit notes. At present the variety of designs and signatures to our bank notes are not so diversified, but what an attentive observer may, with tolerable certainty, discriminate between a genuine and a counterfeit note: but if twenty-five new institutions be privileged to issue paper money, each one electing its own device, mode of execution, kind of paper on which it shall be printed, and each having its own officers to sign and countersign them, how difficult, how almost impossible, will it be, for our citizens to know when a piece of paper purporting to be worth five, ten or one hundred dollars, be in fact worth any of those sums, or not worth one cent.

6. Because, although petitions have been presented asking the incorporation of banks in some counties in the state, yet upon inquiry I have not learned that any application for the establishment of a system, so novel and extensive, has been made to the Legislature; nor has this want of expression of the public wishes in favor of such a system been made unequivocal by the votes of the Legislature. The bill was carried as appears from the journals, by a majority of one in each House: in neither branch of the legislature had this bill a majority of the whole number of its members.

7. Because the history of all nations that have authorized an extensive paper currency, and the experience of our own country, have furnished melancholy examples of the disastrous consequences which flow from such system.

8. Because a time of war is an unpropitious era to try experiments, particularly when those experiments may seriously affect the finances of the commonwealth, which now draws a revenue, more than equal to all its current expenses, from the bank stock which it owns in the banks already incorporated.

9. Because, under all the circumstances, no material injury can result from an arrestation of the bill, until the next session of the Legislature; whereas, if it were now to pass into a law, it might produce evils not in the power of a subsequent Legislature to correct: because an act incorporating a company for the purposes of banking partakes of the nature of a contract, against the impairing of which there is a constitutional prohibition; for a provision wisely introduced into several laws lately passed, vesting associated individuals with corporate powers and exclusive privileges, authorizing a subsequent Legislature to repeal and annul such law, if the privileges thereby granted should at any time prove injurious to the community, happens, very unfortunately, not to have been introduced into this novel and important bill. At all events, if I am mistaken, misinformed, or in error, the representatives of the people, upon a review of the bill, can, if they think proper, give it effect, independently of executive sanction, by such a majority as would unequivocally express the public opinion, and designate it the law of the land.

SIMON SNYDER.

Journals Senate, 1813—14, p. 489.

NOTE.—After the first of May, 1817, no bank, under the penalty of 25 dollars, shall issue a note, ticket or engagement of credit of a less amount than one dollar, or receive the same, other than their own and for the purpose of cancelling the same, (ch 4378.)

After 22d March, 1817, no incorporation, association, public officer, or individual, (other than incorporated banks,) shall issue any note, &c. in the nature of a bank note, of any amount whatever, other than such as have been issued by banks legally established, and no such incorporation &c. after 1st May, 1817, shall receive such note, &c. other than those

above excepted, or those made by itself for the purpose of cancelling. Penalty 10 dollars—in case of an incorporation or association, &c. 50 dollars. Mode of proceeding against a bank or other corporation offending prescribed and penalties increased in case of a second offence and appropriated to the county. When judgment obtained against any bank or corporation in any two suits in the Common Pleas, or before two different justices, and transcripts filed with the prothonotary, and the same remains unpaid for three months, the attorney general to proceed against such bank by information in the nature of a *quo warranto*. Pro-

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cess to be served on the president, cashier or director; on return of service the court to proceed as in cases of such writs, and if a verdict for the state, instead of the usual judgment to adjudge a penalty not exceeding 5000 dollars, and the charter thenceforth subject to be forfeited and annulled by the legislature, (ib.)

When a second suit is brought against any incorporated road, bridge or canal company after judgment under this act, any two justices of the county may issue their precept directed to a constable, to summon five freeholders named by the justices to meet and enquire whether the company after judgment rendered, have a second time made, issued, received or paid any note, &c. not authorized by law, contrary to the provision of the act, to make an inquisition, and if it shall be found thereby that the company has offended in the premises, the justice shall send one copy of the inquisition to each gate keeper, and from thenceforth all tolls shall be suspended in the first instance for one, in the second for two and in the third for three weeks, and for each subsequent offence one month (ib.)

No *certiorari* shall issue but appeals allowed to the Common Pleas, (ib.)

All acts (ch. 3902, sect. 13.) which deprive the holder of a *note, ticket, or engagement of credit*, in the nature of a bank note of an unincorporated bank, &c. of a legal remedy, repealed and declared entitled to same remedies as if the note had been legally issued, (ch. 4378.) The repeal appears not to extend to other "contracts relative to business usually done by banking companies," which according to the provision of the 13th sect. of the act of 1814, (ch. 3902) remain void and irrecoverable.

So much of the act of 23d December, 1814, (ch. 3998) as authorizes the issue of notes by the incorporated banks, less than 5 dollars, continued until 1st Oct. 1817, after which such notes shall not be issued (ib.)

The act vol. 5, p. 81, declares that the robbery or larceny of a note of an *incorporated* bank, shall be punished as other larcenies repealed, and robbery or larceny of any promissory note, to be punished as robbery, &c. of goods and chattels, (ch. 4341.) See notes vol. 5, p. 81 and vol. 4, p. 279. 4 Bin. 418.

The act of 1810, vol. 5, p. 108, [repealed ch. 3902] which prohibits the circulation of notes of an unincorporated bank, does not apply to the circulation of a bank which has once been incorporated but whose powers have expired.—Notwithstanding the expiration of the charter of a bank, it is an indictable of-

fence to pass a counterfeit note of that bank, knowing it to be so. 4 Bin. 418.

By resolution of the 22d March, 1820, the attorney general is directed to proceed against all persons concerned in the management of the branch of the bank of Camden, in the city of Philadelphia, and also against all persons interested in other banks trading within the state not under its authority. The judges required to hold such persons to bail in 5000 dollars and the Attorney General to receive such fines as the parties may have incurred.

The act of 1808 (vol. 4, p. 536) which declares that if any association of citizens should hereafter be formed for the purposes of banking, any member thereof should be personally liable for the debts thereof, is not an implied corporation of existing associations. (2 Serg. and Rawle, 368.)

The act of 1810, vol. 5, p. 108, [repealed ch. 3902] which declares it to be unlawful for any association who *then were*, or thereafter might be connected for banking and not incorporated to loan monies, &c. or to do any other act which an incorporated bank might do, is constitutional and involves no violation of contracts. (ib.)

In the case of Hess and others against Wertz in error, decided at Pittsburg, 1818, (4 Serg. and Rawle, p. 356.) the suit was, to recover from the defendants below as partners under the firm of The Farmers and Mechanics Bank of Fayette, the amount of certain promissory notes issued by that association, between 1st January, 1815, and 22d March, 1817, promising to pay out of their joint funds, signed by the president and cashier.

The notes were received by the plaintiff in the usual course of business and for a valuable consideration, after the 22d March, 1817. Payment was demanded at the office of the association, and refused on the 14th June, 1817. The joint funds were insufficient. The act in the text declares notes issued by an unincorporated bank, after 1st January, 1815, void and irrecoverable in any court of this state, (sect. 13.) By act 22d March, 1817, ch. 4378, so much of the act above referred to as deprives the holder of a note of an unincorporated bank of a legal remedy, is repealed.

In this case, two questions presented for consideration—1st. Did the notes afford cause of action to the holders in any form.* 2d. If they do, are his defendants liable as partners or only out of the joint funds, according to the articles of association? 1. The defendants claim an exemption under the 13th section of

* Being declared void by the 13th section of the act in the text.

the act in the text, by which the notes are declared irrecoverable, alledging they contained an unlawful promise; and did it rest here, there could be no recovery. But the plaintiff contends that by the act of 1817, (ch. 4378.) the prohibition to recover is taken away and the notes to be considered as legally issued. The terms embrace the case, and if the law is constitutional, the plaintiff has a legal remedy.

The whole system is a matter of policy—the prohibition was not intended to confer on these associations any right, but as a measure of policy to check a growing evil. The law divests no right, but removes an impediment, it renders lawful an unlawful act, as if it had been lawful from the beginning, it works no injustice, impairs no man's contract—but takes from it the taint which the policy of the moment imposed and gives the holder a legal remedy, a right which he would have possessed if there had been no legislative interposition. The interdiction is taken away and the party restored to his common law right and remedy, as if the prohibitory act had not been passed. 2d. As to the defendant's personal liability as partners; they may limit their responsibility by an explicit stipulation *made with the party* with whom they contract and understood at the time; but this is of a kind so unreasonable that it cannot be presumed. It is not to be supposed that any one would contract solely on the credit of a fund, exclusively under the controul of another and whether it would at the day of payment be sufficient, must be known only to the partners themselves. The absolving corporators from personal responsibility, besides having a tendency to fraud, is, in fact, exercising the legislative power of creating a corporation the substantial benefit of which is his exemption from present responsibility. The mention of the fact is to be considered as nothing more than *directing its application as between the partners themselves* Gibson and Duncan, justices, were of opinion, for reasons stated more at large in the report, that the legal meaning of the contract was, that the defendants were personally liable. *Tilghman*, C. J. not having

heard the argument, gave no opinion.

The charter of banks incorporated by the act in the text, which refuse to pay their notes in specie, declared forfeited, except as to contracts previously made, which the stockholders may enforce the fulfilment of. They may also either choose directors, and renew notes, &c. of persons indebted to them. The time allowed for the final close of their affairs, not to exceed the period of their charters. The holder of a note, the payment of which is refused, to make oath before a judge of such refusal, reduce it to writing and transmit it to the governor, who is required to issue his proclamation except the person holding the note is a broker, &c. declaring the charter of such bank void. The directors of banks consenting to the issue of notes or to a re-loan, or to a dividend, to be liable to the payment of the first and to the creditor of the bank for the account of the second. The president or cashier of such banks required under penalty of 25 dollars, to endorse notes presented for payment, the time when presented, with his name; from thenceforth the note shall bear an interest of six per cent per ann. Any bank may redeem its notes with the notes of other banks in whose behalf the same shall be presented, (ch. 4763.)

“The Connelville navigation company,” “The Youghogeni bank of Pennsylvania,” and “The Farmers and Mechanics bank of Fayette county,” to have the same remedy by suit which is given to any association or individual for the recovery of any debt due to said companies, whether payable to them or to any person in their behalf. Same companies bound to receive their own notes in payment of debts. Before they can recover, to give security for the faithful payment of all their notes. Not to recover any debt contracted by a future loan, (ch. 4712.)

Each branch to receive in payment notes of the original bank, (ch. 4987)—The banks authorized to establish branches as the Pennsylvania (vol. 3, p. 97.) and Philadelphia, (vol. 5, p. 14—150.)

The charter of the bank North America, extended for ten years from the expiration of the present, (ch. 3963.)

CHAPTER 3903.

An act supplementary to the acts for the inspection of butter, and hogs lard, intended for exportation. [Vol. 4, p. 104 404.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Butter to be inspected and from and after the passing of this act, all butter intended for exportation branded.

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Marks.

portation, from any port or place on the river Delaware, within this commonwealth, shall, before the same shall be exported, be inspected by the officer appointed for that purpose; who shall brand the keg, half keg, or tub containing the same, with the letters S. P. and the numbers one, two, or three, as the quality of the butter may, in his opinion require; and that the number one shall indicate butter of the first quality, number two of the second quality, and number three of the third quality.

Not to be
exported
without in-
spection.
Inspectors
duty.

Size and qua-
lity of kegs.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no butter or hogs lard shall be exported or laden on board of any vessel, for exportation, unless the same be contained in kegs, half kegs, or tubs, and it shall be the duty of the inspector to inspect, mark and brand the same, as well kegs as also half kegs and tubs, and that the kegs shall be of the size and dimensions mentioned and described in the act for the inspection of butter, to which this act is a supplement, that the half kegs shall be of the length of eleven inches and a half, the diameter of the head to be nine inches, and the diameter of the bulge ten inches, and shall be made of sound and well seasoned white oak staves, with at least eight hoops on each half keg, and fastened with three iron nails in each head hoop, and that the tubs shall also be made of sound and well seasoned white oak staves; each half keg and tub shall be weighed and tared, and the tare marked on one of the heads, with a marking iron, in legible characters, before inspection; but it shall not be necessary that either the kegs, half kegs, or tubs, shall contain any specific weight or quantity, and the weight or quantity of butter or hogs lard contained in such kegs, half kegs, or tubs, shall be at the discretion of the owner or owners thereof.

Butter or lard
not merchan-
table to be
marked.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if the inspector shall find any butter which, in his opinion, shall not be of the first, second or third qualities, the same shall be deemed not merchantable, and the inspector shall impress and brand all kegs, half kegs and tubs of butter or hogs lard, which, in his opinion, shall not be merchantable, with a distinct mark of a X, each stroke of the said cross to be at least two inches long on one head of every such keg, half keg or tub, containing such unmerchantable butter or hogs lard as aforesaid.

Penalty de-
facing alter-
ing or con-
sealing
marks.

SECT. 4. *And be it further enacted by the authority aforesaid,* That each and every person or persons, who shall wilfully deface, alter or conceal the inspection mark, placed on any keg, half keg or tub of butter or hogs lard, shall forfeit and pay a fine of one dollar for each keg, half keg or tub, the inspection mark of which shall be so defaced, altered or concealed.

Taking on
board ves-
sels butter,
&c. not in-
spected.

SECT. 5. *And be it further enacted by the authority aforesaid,* That each and every person or persons who shall load on board of any vessel in the river Delaware, within this commonwealth, any butter or hogs lard, for exportation, which shall not have been first inspected and marked as merchantable, agreeably to the provisions of this act, shall forfeit and pay for each and every keg, half keg or tub of butter or hogs lard so laden, contrary to this act, the sum of two dollars.

SECT. 6. *And be it further enacted by the authority aforesaid,*

That all butter and hogs lard laden on board any and every vessel in the river Delaware, within this commonwealth for exportation, unless contained in such kegs, half kegs or tubs, as aforesaid, shall be siezed and forfeited together with the articles in which the same shall have been packed to the use of the poor in the Alms House and House of Employment in the city of Philadelphia, and it shall be the duty of the inspector of butter and hogs lard, forthwith after such seizure to send all such butter and hogs lard in and with the articles in which the same shall have been packed to the Alms House and House of Employment in the city of Philadelphia aforesaid for the use of the poor therein : *Provided, always,* That the portorage and other incidental expenses shall be paid by the board of guardians at the Alms House aforesaid, on the delivery of any such butter or lard.

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Forfeitures.

Appropriated.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the inspector or inspectors duly appointed and commissioned by the governor or his or their deputy or deputies shall and may lawfully demand receive and take the sum of four cents and no more, for inspecting, examining, branding and plugging each and every keg, half keg, and tub of butter, and hogs lard, together with such other and further allowance and compensation as shall and may be reasonable and customary for the expense and trouble of cooperage and putting the same into good and merchantable order and condition : *Provided however,* That it shall be lawful for the owner or owners of the said butter and hogs lard, his or their agent or agents to employ any person or persons other than the said inspector or inspectors to perform the cooperage necessary to put the same into good and merchantable order and condition as aforesaid, the expense of inspection to be paid by the purchasers, and the expense of cooperage if any be necessary to be paid by the seller.

Fees, see ch. 4988, sect. 1 and 2.

Owners may employ coopers, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the fines mentioned in the fourth and fifth sections of this act shall be paid, one moiety to the use of the informer, and the other moiety to the use of the guardians of the poor, for the use of the poor in the almshouse and house of employment in the city of Philadelphia, to be recovered by any person who will sue for the same in like manner, as other debts of equal amount are by law recoverable.

Fines appropriated.

SECT. 9. *And be it further enacted by the authority aforesaid,* That so much of the act, entitled " An act for the inspection of butter intended for exportation," passed the seventh day of January, one thousand eight hundred and four, and so much of the act, entitled " An act for the inspection of hogs lard intended for exportation," passed the seventh day of April one thousand eight hundred and seven, as is inconsistent with the provisions of this act, be, and the same are hereby repealed.

Repealed.

Vol. 4. p. 104.

Vol. 4, p. 404.

Passed 22d March, 1814.—Recorded in Law Book No. XIV. p. 367.

NOTE.—Hogs lard exported from Philadelphia, to be inspected by the inspector of butter, (vol. 4, p. 404.)

weight may seize it. Appeal allowed to any justice, &c. (vol. 3, p. 425, and appendix, vol. 5, p. 379.)

The clerk of the market of every city or town may weigh all butter, brought into the same for sale, and if under

Fees for inspecting, examining, branding and plugging each keg of butter or lard, four cents, and if by colour of of-

1814.

office or occupation, by custom or under any pretence, the inspector shall take other or greater fees than allowed by this act, he shall forfeit 50 dollars, (ch 4988.)

The instrument to be used by the inspector shall not exceed three-eighths of an inch in diameter, (ib)

By resolution February 1st, 1821, the

inspector of butter and lard is required to report annually in the month of January, the quantity inspected during the preceding year, designating the number and kind of casks, with the amount of their receipts and expenditures. (See ch. 4988.)

CHAPTER 3905.

An act enabling the Governor to incorporate a company for making a turnpike road from Pawling's ford bridge to the Little Conestogoe turnpike road.

SECT. 1. [COMMISSIONERS named. To procure one or more books. Form of subscription. Price of shares 50 dollars. Notice to be given of the time and place of opening books. Books to be kept open three days, or until 1600 shares are subscribed. If the whole number be not subscribed in three days the commissioners may adjourn from day to day upon giving notice. Five dollars a share to be paid on subscribing. 2. When 500 shares have been subscribed by 50 persons, letters patent may issue, creating the subscribers a body corporate by the name of "The President, Managers and Company of the Pauling's Ford and Conestogoe Turnpike Road. The usual corporate privileges given. 3. Proceedings to organize the corporation. Officers to be a president, seven managers and a treasurer, chosen annually by ballot. Company may make by-laws, &c. 4. To have the same powers, to be subject to the same restrictions, and entitled to the same tolls as are given by law to the Great Valley and Washington Turnpike Company, (vol. 5, p. 280.) Work to be commenced in three and finished in ten years.]

Passed 22d March, 1814.—Recorded in Law Book No. XIV. p. 371.

CHAPTER 3906.

[Vol. 1, p. 370.] A supplement to an act entitled "An act for the sale of goods distrained for rent and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned."

SECT 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the provisions of the twelfth* section of the act, entitled, "An act for the sale of goods distrained for rent, and to secure such goods to the persons distraining the same, for the better security of rents, and for other purposes therein mentioned," shall not be so construed or extended, as to enable any landlord or lessor, his heirs or assigns by the summary mode of proceeding therein prescribed to dispossess any person claiming to hold such leased or demised premises as joint-tenant co-partner or tenant in common with the landlord or person claiming possession: *Provided, That the tenant or the per-*

Act of 1772, not to extend &c.
Lessor not to dispossess by summary process joint tenants, &c.
Tenant, &c. to make oath that premi-

* This section directs a summary mode of proceeding to recover possession from tenants holding over after the determination of their leases. Vol. 1. p. 373.

son in possession, or the person under whom the tenant may claim to hold, shall, upon the return of the warrant, in the nature of a summons issued by the two justices of the peace, to whom the landlord, lessor, or person claiming possession may have applied, declare on oath or affirmation to be taken and subscribed before the said justices that the premises in dispute are holden and claimed by or under a co-joint-tenant, co-partner or tenant in common with the landlord, lessor, or person claiming possession and that the person making such oath or affirmation doth verily believe that the premises in dispute do not exceed in quantity or value the just proportion of the joint tenant, parcener, or tenant in common, by or under whom the premises may be holden or attempted to be holden: *And provided also*, That the tenant or person in possession, or the person under whom the tenant may claim to hold, shall, with one or more sufficient sureties become bound by recognizance in the sum of one thousand dollars to the lessor or landlord, or person claiming possession, his heirs or assigns, to prosecute his claim at the next Court of Common Pleas, to be held for the county where the lands shall be. But if the said claim shall not be so prosecuted, then and in that case such proceedings shall be had as would have been had if the said recognizance had not been entered into.

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ses does not exceed in quantity the proportion of the joint tenant, &c.

Tenant to enter into recognizance to prosecute &c.

Passed 22d March, 1814.—Recorded in Law Book No. XIV. p. 375.

NOTE —The 22d §, act (vol. 5, p. 171,) which makes the decision of the C. P. on appeals final, does not apply to proceedings under the landlord and tenant act. (vol. 1, p. 373, § 12,) which are not alluded to in the above section and are conducted in a different manner. 4 Bin. 185.

The directions of the act (vol. 1, p. 374,) that the judgment shall be final and conclusive, in proceedings under the 12th section of the act, (vol. 1, p. 373,) do not prevent a writ of error to the Common Pleas to remove a *certiorari*, which had removed the proceedings of the justices.

Such writ is not a *supersedeas* to stay the proceedings in the C. P. 6 Bin. 128, 460.

A lease for 9 months, or other certain time, less than a year, is a lease for one or more years within the act of assembly (vol. 1, p. 228.) Any rent which can be distinctly ascertained, as "payment of taxes, daubing and chinking a house," is a certain rent within the meaning of the act. 5 Bin. 229.

Although, as a general rule, the tenant cannot impeach the title of his landlord yet, where there has been any fraud, force or other illegal conduct on the part of the landlord to make the tenant accept the lease, the rule does not apply. 6 Bin. 45.

The act of 21st March, 1772, (vol. 1, p. 370,) applies only to leases on which a certain rent is reserved. It is a question whether justices of the peace, acting un-

der that act, may make a record of their proceedings without annexing the inquiry. But if they do return the inquiry they cannot contradict it in their record. If it do not appear in the proceedings as certified by the record of the justices, that the term was ended, it is an essential defect. 2. Serg. and Rawle, 480.

A tenant, who has fairly delivered up the demised premises, by quitting the same, and notifying the landlord thereof can no longer be considered as a tenant. But if, with a fraudulent intent, he give such notice, and in contravention thereof holds possession, and builds a house, within the actual enclosures occupied by him as a tenant; if he has never removed from the premises and has declared he never would, until compelled he cannot defend himself as a stranger, nor prevent by any pretence under such circumstances, his landlord from regaining the possession. 4 Serg. and Rawle, 470.

A person who, comes into possession under a tenant, is in no better condition than the tenant himself, and cannot defend his possession against the landlord. (ib.)

A tenant cannot resist his landlord's recovery in ejectment by virtue of an adverse title acquired during his lease. 2 Bin. 468.

When a notice to quit, stated that the tenant had a lease till the 1st April, 1811, a purchaser under the landlord, cannot gainsay that assertion: and such tenant

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may maintain trespass for the way going crop 2 Serg. and Rawle, 14

17 years after the expiration of the lease, notice is necessary, (ib. 49.)

When the lease is to expire at a certain time, a notice to quit is not necessary to recover in *ejectment*. But if the lessor allows the tenant to remain in possession

See vol. 1, p. 375, in notes. Also vol. 3, p. 530, for the act to enable purchasers at sheriff's sale, to obtain possession, and supplement, (ch. 3879)

CHAPTER 3907.

[Vol. 5, p. 211.]

A supplement to an act, entitled "An act to remedy defects in the titles of real estate, purchased by certain emigrants within this commonwealth, during the time they were aliens."

Act of 1811, extended.

Certain aliens having filed their declaration &c. may hold lands to a certain amount.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That all the provisions of the act entitled "An act to remedy defects in the titles of real estate purchased by certain emigrants within this commonwealth, during the time they were aliens," passed the twentieth day of March, one thousand eight hundred and eleven, be and the same are hereby extended to all purchases, contracts, and sales, made since the passing of said act.*

SECT. 2. *And be it further enacted by the authority aforesaid, That it shall be lawful for any alien, who on the eighteenth day of June, one thousand eight hundred and twelve, resided, and has since continued to reside in this state, and who is a subject of any sovereign, state, or nation, at war with the United States, after having filed according to law, a declaration of his intention to become a citizen of the United States, to receive, hold and convey any lands and tenements within this commonwealth not exceeding in quantity two hundred acres, nor in value twenty thousand dollars, as fully to all intents and purposes as a citizen of the United States can do.*

Passed 22d March, 1814.—Recorded in Law Book No XIV. p. 377.

NOTE.—Aliens resident within this state, not the subjects of a power with whom the U. S. are at war, who have declared their intention to become citizens may purchase and hold lands, &c. not exceeding 500 acres; the title of an alien resident as aforesaid, who may heretofore have purchased after declaring his intention in conformity to the act of congress then in force, declared valid, and to vest the lands in the alien as fully as though the declaration had been made under the act of congress of 18th January, 1798, (vol. 4, p. 36.)

Purchases of real estate made by emigrants, resident within the state, previously to declaring their intention, &c. and who have never become citizens, [extended to purchases, contracts and sales made since the passing of this act, ch. 3907,] declared as valid as if they had been citizens at the time of purchasing,

and when they have sold to citizens, the sales are declared as valid as if the aliens had been citizens at the time of purchase, (vol. 5, p. 211.)

Alien friends permitted to purchase land within the state, not exceeding 5000 acres. All purchases made by resident aliens, previous to declaration of intention and afterwards becoming citizens, and sales by aliens confirmed. The estates of resident aliens who shall have died without having been naturalized shall descend to their heirs at law, as if they had been citizens, (ch. 4610.)

The power of naturalization is exclusively vested by the constitution in congress. 2 Wheat. 269.

Terms on which an alien, being a free white person, and not a subject of a state with whom the United States are at war, *arriving after the 14th of April, 1802*, may become a citizen.

1. If of 21 years of age to report himself, if under that age, or held in service to be reported by his parent, guardian, or master, to the clerk of any court of the U. S. or their territories or of any state court, having common law jurisdiction, a seal and clerk; stating his name, birth place, age, nation, and allegiance, the country whence he emigrated, and the place of his intended settlement. At the same time, or three years before his application, to declare on oath in open court, his intention to become a citizen, and renounce his former allegiance, (vol. 3, laws U. S. 475)

2. At the expiration of five years after the registry, and three years after the declaration of intention, he may apply to any of said courts in the state or territory where he has resided the year immediately preceding his application, and, on exhibiting his certificate of registry, (as evidence of the five years residence) and of his declaration of intention (made three years previously) who being satisfied of the residence (which in no case can be proved by the oath of the applicant) his good moral character, that he is attached to the principles of the constitution of the U. S. and well disposed to the good order and happiness of the same, may admit him to become a citizen of the U. S. (ib.)

Under the act of 1795, (laws U. S. vol. 2, p. 266) it need not appear by the record of naturalization that all the requisites have been complied with. The judgment, that the court admitted the alien to become a citizen, is conclusive that all the pre-requisites have been complied with, or parol proof may be received in aid of the record. 7 Cranch, 420.

An alien, arriving after the 18th June, 1812, is required to exhibit, at the time of application, the certificate of registry and declaration of intention, (to be recited at full length on the record,) otherwise he shall not be deemed to have complied with the conditions required. Any pretended admission of an alien arriving as aforesaid, after the promulgation of this law without such recital to have no validity under the act of 1802. See act of congress, 22d March, 1816.

An alien resident before the 29th January, 1795, may be admitted without registry or declaration of intention, on proving a residence in the U. S. of two years, and one year immediately preceding the application, in the state, on taking the usual oath, renouncing his former alle-

giance and proving good moral character &c. during the two years. Laws U. S. vol. 3, p. 475.

An alien resident before the 14th June 1798, and 14th April, 1802 who has continued to reside in the U. S. may be admitted according to the act of 26th March, 1804, without a previous declaration. (Laws U. S. vol. 3, p. 614)

An applicant without a certificate of intention is required to prove by citizens of the U. S. [to be named on record] a continued residence of five years prior to the 14th April, 1802, and that such residence was immediately preceding the application. Such continued residence when proved, and the place where the applicant has resided for 5 years, with the names of the citizens proving the same to be stated on record, otherwise the applicant shall not be deemed a citizen. Laws U. S. act 22d March, 1816.

Children of persons, naturalized under any law of the U. S. or who, before passing any law on the subject (viz. 26 March, 1795) may have become citizens of any state, under the laws thereof, being under the age of 21, at the time of their parent's naturalization, &c. shall, if dwelling in the U. S. be considered as citizens; and the children of persons who are, or have been citizens, though born out of the U. S. to be considered as citizens. The right of citizenship not to descend to persons whose fathers have never resided in the U. S.: and no person proscribed by any state, or who has joined the armies of Great Britain during the late war, shall be admitted a citizen without the consent of the legislature of the state in which such person was proscribed. Act 26th March, 1804. Laws U. S. vol. 3, p. 457. See also 6 Cranch, 176, 182.

An alien, who has resided in Pittsburg one year next preceding an election for borough officers, and paid a county tax, is entitled to vote at such elections. 2 Bin. 110. So also if otherwise qualified to vote for charter officers in the German church at Philadelphia. 3 Serg. and Rawle, 29.

The son of a native of Great Britain who had declared his intention, but died before he was naturalized is not entitled *during* war between that country and the U. S. to become a citizen. 5 Bin. 371.

The oath of naturalization confers the right of a citizen. It is not necessary that there should be an order of court admitting the alien. 6 Cranch, 176, 182.

1814.

CHAPTER 3908.

[Sup. 4268.] An act to enable the governor of this commonwealth to incorporate a company for improving the navigation of the river Lehigh.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Where books are to be opened. Form of subscription. Price of shares 50 dollars. Notice to be given of the time and place of opening books. Books to be kept open ten days, if the whole number of shares be not sooner subscribed. Commissioners may adjourn from time to time and transfer the books from place to place on giving notice. Five dollars a share to be paid on subscribing. 2. When 500 shares subscribed by fifty persons, the commissioners may certify it to the governor who shall issue letters patent creating the subscribers a body corporate by the name of "The President Managers and Company of the Lehigh Navigation Company," with the usual corporate privileges. 3. Proceedings to organize the corporation. Officers to be a president, six managers, secretary, treasurer, &c. Company may make by-laws, &c. not repugnant to the laws of the United States or of this state. 4. Stockholders to meet annually on the first Monday in May. Notice to be given of the place of meeting. May make and alter laws, &c. 5. Four of the managers to be a quorum for the transaction of business. Records to be kept of their proceedings. 6. Penalty on stockholders neglecting to pay their instalments. Shares to be forfeited when the penalty amounts to their value. Suit may be brought for the arrears and penalties. No person in arrears to vote. 7. President managers, &c. may enter upon the river, remove obstructions, take materials, erect locks and dams, or any other devices whatever proper for their purpose. 8. May enter on the adjacent lands, to dig canals, or erect works, having first made compensation to the owners. If the value cannot be agreed on, the Court of Common Pleas shall appoint six freeholders to appraise it. Saving of the rights of feme coverts, minors, &c. 9. May enter on lands convenient, and carry away stone, gravel, sand, and other materials, first giving notice and repairing damages. Damage to be assessed by three freeholders. 10. Guard walls to be erected, not to extend more than one third across the river. 11. Company may use the water power and lease it, provided the navigation be not interrupted. 12. Certificates of stock to be issued and be transferable. 13. As soon as ten miles are completed and afterwards for every five miles, notice to be given to the governor, who shall appoint three viewers, and upon their reporting favourably, shall grant his license to receive tolls. Rates of toll. When the yearly income exceeds 20 per cent. on the capital, to be reduced.]

SECT. 14. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commander of any boat, ark, raft or craft, navigating the said river, when they shall arrive within one fourth of a mile from any lock so erected, under the penalty of one dollar, to blow a horn or trumpet, whereupon the keeper of such lock shall attend for the purpose of opening the gate or sluice, to let the said boat, ark or other vessel pass without unnecessary delay and in safety. And if any boat, ark, raft or other vessel shall

Horn or trumpet to be blown, when approaching the locks.

be prevented from passing up or down any of said locks or sluices, by reason of the lock not being raised for more than twenty minutes the president, managers and company, shall, on conviction thereof, before any justice of the peace of the proper county, forfeit and pay to the person so hindered, the sum of one dollar for every ten minutes beyond the said time that he shall be so prevented and in the same proportion for any longer or shorter time. 1814.
~~~~~  
Penalty on neglecting to open locks.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or refuse to keep in good order or repair, any dam, lock, or sluice of their own construction, or neglect to remove any obstacle which may occur, so that boats, arks, rafts or other vessels may at all times safely navigate the said river, the president, managers and company, shall, for each and every such offence, pay the sum of fifty dollars, to be recovered in the same manner as debts of equal amount are by law recoverable before a justice of the peace of the proper county where the offence shall be committed one half to the use of the informer, and the other half to the use of the poor of the township or county where the neglect may occur: *Provided,* That if at any time any of the slopes in the channel of the river, made for the purpose of rafts passing over any dam, should be out of order or repair, according to the provisions of this act, the keeper of any lock, shall suffer each and every raft with lumber, to pass through the same toll free. On neglecting to keep locks, &c. in repair.  
  
Mode of recovery.

SECT. 16. [Persons whose lands are overflowed, &c. to seek redress as directed in the eighth section of this act. 17. Slopes to be made in the dams. Locks to be at least twenty feet wide and 120 long, [altered ch. 4268.]

SECT. 18. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or any dam, lock, gate, canal, engine, machine or device thereunto belonging, or any machinery or property of the company shall be injured or damaged, he, she, or they, so offending, shall forfeit and pay to the said company fourfold the damages by them sustained, together with costs to be recovered by action of debt before a justice of the peace, or in any court of competent jurisdiction. Penalty for injuring the works.

SECT. 19. [Accounts of receipts and expenditures to be kept and exhibited annually to the stockholders. Shares may be increased if necessary. 20. Account of tolls, &c. to be kept and dividends of the clear profits declared in May and November. 21. Work to be begun in two [extended 5 from 19th March, 1816, ch. 4268,] and completed in ten years [extended 10 from 19th March, 1816, ib.] Charter to be forfeited if the privileges hereby granted are abused.]

Passed 22d March, 1814.—Recorded in Law Book No. XIV. p. 378.

NOTE.—Additional commissioners appointed. Company authorised to commence the work where they may consider the improvement first required, and certain provisions made as to the size of the locks, (ch. 4268.) By act (ch. 4555,)

Josiah White, and others authorised to improve the navigation of the Lehigh.

Act to incorporate a company for improving the navigation of the Lehigh vol 3, p. 310, and supplement vol. 5, p. 100.

## CHAPTER 3909.

1814.

[Sup. ch.  
3930, 4164,  
See ch 4301,  
4893]

An act regulating the proceedings of justices of the peace and aldermen in cases of trespass, trover and rent.

Jurisdiction  
extended.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the justices of the peace of the several counties of this commonwealth and the aldermen of the city of Philadelphia, shall have jurisdiction of actions of trover and conversion and of actions of trespass brought for the recovery of damages for injury done or committed on real and personal estate in all cases where the value of the property claimed or the damages alledged to have been sustained shall not exceed one hundred dollars.

May decide  
when suit is  
not for more  
than 10 dols.  
Above that,  
referees to be  
appointed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the justice or alderman before whom any such suit or action is brought, if the demand does not exceed ten dollars, to proceed to hear and determine as to him justice and right shall appear to belong, but if the demand in controversy should exceed that sum, then on the request of either party, or his or her agent, three reputable citizens shall be chosen by the parties or their agents as referees, or if they cannot agree, or if only one party or his or her agent should appear, then the justice or alderman shall appoint the referees, who shall be sworn or affirmed justly and truly to assess the damages alledged to have been sustained or the value of the property in dispute, which they, or a majority of them, shall have power to assess: *Provided,* That if both parties or their agents shall not prefer a reference, the justice or alderman shall proceed to hear and determine, and if the sum adjudged does not exceed five dollars and thirty-three cents, the same shall be final and conclusive, and each referee shall be entitled to receive one dollar for every day he shall have attended in each case: *Provided,* That if the defendant shall before the trial of the action make oath or affirmation that the title to lands will come in question in the said action, then the justice or alderman shall dismiss the same. And in case of such dismissal the costs shall be paid in equal shares by the plaintiff and defendant: *Provided always,* That if the damages so found by the justice, alderman or referees, shall not amount to more than one dollar, the plaintiff or plaintiffs shall not recover more costs than damages. [See ch. 4164.]

To be sworn  
&c.

When refer-  
ence not ask-  
ed.

Cause to be  
dismissed if  
title to land  
comes in  
question.

Costs.

Appeal.

SECT. 3. *And be it further enacted by the authority aforesaid,* That either party shall have the right of appealing to the Court of Common Pleas of the proper county where the judgment given by the justice or alderman alone shall exceed five dollars and thirty-three cents, and where judgment given on the award of referees shall exceed twenty dollars.

Process, &c.  
to be regulat-  
ed agreeably  
to act.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the process, return thereof, notices, awards, judgments, and appeals, and the proceedings of justices constables, referees, and courts, and every proceeding necessary to carry this act into effect, which is not herein specially provided for, shall be made and done,

under and according to the provisions and regulations in similar cases contained in the act, entitled, "An act to amend and consolidate with its supplements the act, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes." 1814. Vol. 5, p. 161.

SECT. 5. *And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall be construed to extend to actions of ejectment, replevin or slander, actions on real contracts for the sale or conveyance of lands and tenements, actions for damages in personal assault and battery, wounding or maiming, or to actions for false imprisonment. Jurisdiction not to extend &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said justices of the peace and aldermen shall have original jurisdiction of all cases of rent, not exceeding one hundred dollars, to be recovered as debts of similar amount are recoverable. To have jurisdiction of rent not exceeding 100 dollars.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said aldermen and justices shall take cognizance by amicable suit, of all causes of action within their jurisdiction, whether such jurisdiction arises from this act, or from an act to amend and consolidate with its supplements, the act entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes." Further jurisdiction. Vol. 5, p. 161.

SECT. 8. *And be it further enacted by the authority aforesaid,* That "An act about cutting timber trees," and the act entitled "A supplement to the act entitled an act to extend the powers of the justices of the peace of this state," excepting the fifth, sixth and seventh sections thereof, passed March first, one thousand seven hundred and ninety-nine, and "An act for the better regulating and enforcing the proceedings in cases of damages under twenty dollars, before a justice of the peace or alderman, passed March twenty-first one thousand eight hundred and six, and "An act extending the power of justices of the peace and aldermen in certain cases," passed April thirteenth, one thousand eight hundred and seven, and "An act further to extend the jurisdiction of the aldermen and justices of the peace of this commonwealth," passed April fourth, one thousand eight hundred and nine, be and the same are hereby repealed. Repeal. Vol. 1, p. 29. Vol. 3, p. 354. Vol. 4, p. 326. Vol. 4, p. 470. Vol. 5, p. 62.

#### SECT. 9. [Obsolete.]

Passed 22d March, 1814—Recorded in Law Book No. XIV. p. 390.

NOTE—For a general view of the duties of aldermen and justices, as prescribed in various laws, see index, vol. 5, title Justices of the Peace: see also notes at page 178 of the same volume, and for a reference to the subsequent acts of assembly and decisions, (ch. 4164 and 4893.

When a referee, appointed under the 3d sect. of the act, (vol 5, p 101,) or the act in the text, does not attend at the time and place appointed, and the parties cannot agree upon a substitute, or when

one of the parties only attends, the referees present may supply the vacancy—The referees to be sworn by a justice or by each other; after which any of them may swear the witnesses. Power to adjourn, &c (ch. 3930.)

In all actions, for injuries to real or personal property, before a justice, &c and referred, the referees may decide which of the parties to pay the costs, or in what proportion to be paid by each, any thing in the 2d section of the act in the text to the contrary notwithstanding, (ch. 4104.)

1814.

The act of 1st March, 1799, (vol 3, p. 354,) [repealed by act in the text,] which extended the jurisdiction of justices to suits brought for damages for any trespass, wrong or injury, against real or personal estate, where the damages did not exceed 20 dollars, [increased by act in the text to 100] only comprehends cases where the damage arises from actual or immediate injury, and cannot extend to other cases, as cheating the plaintiff in a bargain for a horse, &c. 6 Bin 33.

Trespass against property means in common parlance an act by which immediate injury is done. (1b)

The legislature intended that the decisions of these expeditious tribunals should be final when they do not adjudge a matter exceeding 40s. but grant an appeal when they do, and that to either party; therefore, if, in an action of trover, under the act in the text, the justice give judgment for the defendant, the plaintiff has the right of appeal, if his demand exceeds five dollars and 33 cents. 4 Serg. and Rawle, 72.

Under the act of 1799, [repealed and supplied by act in the text,] a justice, &c. may give judgment without the intervention of referees if neither party require their appointment. 1 Serg. & Rawle, 234.

The criterion of trespass is *force directly applied*, an allegation that the defendant did not permit the plaintiff to do a

thing, does not necessarily imply force. 2 Serg. and Rawle, 358.

*Rutter v Spring House Turnpike*—A suit against a turnpike company, "for that the defendants *did wrongfully and unjustly erect and set up certain piers on, &c* by reason whereof a rivulet was thrown back and overflowed the plaintiff's tan yard and destroyed a quantity of hides," &c the court determined that an action of trespass lies against a corporation aggregate for a tort. Tilghman, C. J. observed that the laws of the commonwealth forbade a reference to the authority of English courts since the revolution, to trace this point, but that there was abundant authority for it in the courts of our own; and referred to several, where suits were maintained against corporations for wrongs done by its agents. 4 Serg. and Rawle 6.

A constable may justify in trespass under an execution although clearly irregular. 6 Bin. 123.

The pawnee of goods may maintain trespass against a stranger who takes them away and recover the whole value in damages, although they were pledged for less. 5 Bin. 457.

Trover for stone or gravel dug from land, does not lie by one who has the right of possession, against the person who has the actual adverse possession of the land, and sets up title to it. 3 Serg. and Rawle, 509.

## CHAPTER 3912.

An act to revive the charter of the Presbyterian Church of Harts-log Valley in the county of Huntingdon.

SECT. 1. [CHARTER revived and declared to be in as full force as if it had never been forfeited. 2. Trustees named, to continue in office until the second Monday in June. Election for trustees to be held annually on the second Monday in June, or on such other day as the trustees may appoint.]

Passed 22d March, 1814.—Recorded in Law Book No. XIV, p. 396.

## CHAPTER 3913.

[Vol.5, p.36.] A supplement to an act laying a tax on dogs in certain counties, and for other purposes.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That for one dog owned or possessed or kept about any house in the*

In Chester  
and Dela-  
ware.

counties of Delaware [and Chester\*] the annual tax shall be one dollar; and for every additional dog two dollars, to be assessed, levied, collected and appropriated as is provided for by the act to which this is supplementary. 1814.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the fact of any dog or dogs being kept or staying about any house shall be deemed sufficient evidence to authorize and require the assessor to return the owner or principal tenant of said house as the owner of such dog or dogs. Evidence of ownership.

SECT. 3. [Repealed, ch. 5059.]

SECT. 4. *And be it further enacted by the authority aforesaid,* That the persons designated as appraisers of the damage done to a sheep by a dog or dogs in the act to which this is supplementary shall severally receive for their services the sum of fifty cents per day, to be paid by the person applying, which sum or sums shall be added to the amount of damages appraised. Damages done sheep by dogs &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all provisions of the act to which this is supplementary which are supplied or altered by this act, be and they are hereby repealed. Repealing section.

Passed 25th March, 1814.—Recorded in Law Book No. XIV. p. 396.

NOTE.—See ch. 5059, and notes thereto.

#### CHAPTER 3914.

An act supplementary to an act, entitled, "A supplement to the act entitled, An act to establish a board of wardens for the port of Philadelphia and for the regulation of pilots and pilotages and for other purposes therein mentioned."

[Vol. 4, p. 67, & notes at p. 81, ch. 3802, 4190, 4359, 4489, 4511, 4629, 4824.]

SECT. 1. [Expired.]

SECT. 2. *And be it further enacted by the authority aforesaid,* That that part of the sixteenth section of the act to which this is a supplement which authorizes the harbour master to demand and receive the sum of one dollar for each and every voyage performed by each and every ship or vessel arriving at the port of Philadelphia, shall not be so construed as to authorize the said harbour master to demand or receive any fee for any steam boat arriving at the port of Philadelphia: *Provided,* That the said harbour master shall not be required to render any service in relation to the said steam boats. Vol. 4, p. 73. Steam boats to be free.

Passed 25th March, 1814.—Recorded in Law Book, No. XIV. p. 398.

NOTE.—See ch. 4824, and notes thereto.

#### CHAPTER 3916.

An act authorizing a review of the state road from the town of Indiana in Indiana county to Pittsburg. [See ch. 3656 and notes thereto.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly*

\* Repealed as to the county of Chester, and the tax on dogs in that county is reduced to 50 cents for the first, and one dollar for each additional one, (ch. 5026.)

1814.

*met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be and he is hereby authorized to appoint three disinterested commissioners, one of whom shall be a practical surveyor, whose duty it shall be to review the state road laid out between the town of Indiana and Pittsburg, and they shall make report to the clerk of the Court of Quarter Sessions of the different counties through which said road shall pass, and shall report a draft of the courses and distances, and such alterations (if any) as they or any two of them shall think necessary, and shall transmit a duplicate thereof to the secretary of the commonwealth, and the said road so laid out shall thereafter be part of the state road aforesaid, and that part rendered unnecessary thereby shall be vacated.\**

SECT. 2 and 3 [Obsolete.]

SECT. 4. *And be it further enacted by the authority aforesaid, That the clerks of the Courts of Quarter Sessions of the counties through which said road passes, are hereby authorized and required to receive and file in their respective offices the report and draft of said road as already laid out by John Ewing, Isaac Moore and Charles Johnston, commissioners appointed by virtue of an act entitled, "An act to authorize the governor to appoint commissioners to lay out certain roads therein mentioned and for other purposes," passed the eighteen day of February, one thousand eight hundred and thirteen; and the commissioners of the respective counties through which said road passes, are hereby directed and required to settle the accounts of the said road commissioners, and to issue warrants for their payment agreeable to the provisions of the above recited act, notwithstanding they may not have been sworn, before they proceeded to lay out said road.*

Passed 25th March, 1814.—Recorded in Law Book No. XIV. p. 400.

## CHAPTER 3917.

An act making appropriation to defray certain expenses of government, therein mentioned, and for other purposes.

SECT. 1, 2 and 3 [Obsolete.]

SECT. 4. *And be it further enacted by the authority aforesaid, That the public lots, and property thereon, belong to this commonwealth, within and adjoining the borough of Harrisburg, are hereby placed under the care of the secretary of said Commonwealth, for the time being, who is authorized and directed to take such steps as he may think advisable, to regulate and level such parts of said lots, as in his opinion shall appear to be necessary, previous to the planting of trees, and otherwise improving the same, the expense whereof shall be paid by the state treasurer, on the settlement of the ac-*

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\* Court of Q. S. of Indiana required to appoint persons to review that part of the road from the borough of Indiana to Pittsburg, (ch. 4371.)

Governor to  
appoint per-  
sons to re-  
view.  
To report &c

And trans-  
mit a draft  
&c to secre-  
tary's office.

Duties of  
clerks of  
courts, &c.

Ch. 3655.

Public lots  
at Harrisburg  
to be under  
the care of  
the secretary  
of the com-  
monwealth,  
&c.



counts in the usual manner: *Provided*, That the sum to be expended shall not exceed five hundred dollars, (a) 1814.

Passed 25th March, 1814.—Recorded in Law Book No. XIV. p. 402.

(a) He was directed to cause the public ground granted for an academy (ch. 3935) to be leveled, and enclosed with a good fence, (ch. 4229.) Part of

## CHAPTER 3919.

An act declaring certain creeks therein mentioned, public highways.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Mahantango creek in Schuylkill county, from the mouth of Pine creek up to Samuel Keim's saw mill, and Pine creek from Amos Buckalew's saw mill, in Columbia county, to the main forks above Jonathan Westover's saw mill in Hunting township, Luzerne county, and the western branch of the Lachawaxen creek, from colonel Seely's mills to Silas Kellogg's in Mount Pleasant township, in the county of Wayne, and Little Swatara creek in the county of Schuylkill, from its junction with the big Swatara creek, up the same to John Fidler's saw mill, and Clearfield creek from the Beaver Dam branch, up to Hugh Gallaher's mill dam in Cambria county, and Sugar creek in the county of Bradford, from the mouth thereof, up the main branch to Rich's mills, be and the same are hereby declared public highways for the passage of rafts, boats and vessels, and it shall and may be lawful for the inhabitants and others, desirous of using the navigation of the said creek to remove all natural and artificial obstructions which may be in the same, excepting mill dams or other water works; and also to erect such slopes at the mill dams now built in the said creeks, as may be necessary for the passage of rafts, boats, or other vessels: *Provided*, Such slopes be so constructed, as not to injure the works of said dams: *And provided*, That any person or persons owning or possessing lands on said creeks, shall have liberty to construct a dam or dams across the same, agreeably, and subject to all the restrictions and provisions of the act of the General Assembly of this commonwealth, passed the twenty third day of March, one thousand, eight hundred and three, entitled "An act to authorize any person or persons, owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water works." Declared highways: Purpose. Persons wishing the use may erect slopes, &c. [Vol. 4, p. 20.]

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 404.

## CHAPTER 3920.

An act provisionally organizing the counties of Potter and McKean, and for other purposes. [Erected vol. 1, 170 sup. ch. 4499, 3034.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly*

1814.

M'Kean annexed to Lycoming.

*act, and it is hereby enacted by the authority of the same, That the county of M'Kean shall, from and after the first day of September, one thousand eight hundred and fifteen, be annexed to the county of Lycoming, for judicial and elective purposes, and the jurisdiction of the several courts of the county of Lycoming, and the authority of the judges thereof shall extend over and shall operate and be effectual within the county of M'Kean, and the return judges of election shall carry the returns of election of such officers as are elected with Lycoming, to the court-house at Williamsport: Provided, That nothing herein contained shall affect any suit commenced before the first day of September aforesaid, but the same shall be concluded as if this act had not been passed.*

Electors of M'Kean to elect two commissioners.

Of Potter to elect one same time.

Their duties, privileges &c

Their powers to cease, &c.

Auditors.

Vol. 5, p. 19.

Expenses of roads.

To be paid by Potter and M'Kean.

Duties of commissioners, &c.

*SECT. 2. And be it further enacted by the authority aforesaid, That the electors of the county of M'Kean shall, on the second Tuesday of October, one thousand eight hundred and fifteen, elect two persons as commissioners for the said counties, the highest in vote to serve for the term of three years, and the next highest for the term of one year. And the electors of the county of Potter shall in like manner at the said election, elect one person to serve as a commissioner for the said counties, for the term of two years, and a succession of the said commissioners shall thereafter be kept up by an election of one person every other year, by the electors of Potter county, and of one person every other year by the electors of M'Kean; which commissioners, when duly elected, and qualified to enter on the duties of their respective offices, shall have and enjoy all and singular such authorities and privileges with respect to the said counties, and shall receive such compensation as commissioners elected in and for any other county have by law, and on the election of said commissioners, the powers of the commissioners of Lycoming and Centre counties respectively, shall cease and determine in the said counties of Potter and M'Kean, except as to selecting of jurors; and the electors shall, at their respective election districts on the second Tuesday of October, in the year one thousand eight hundred and sixteen, and every succeeding year, [year altered ch. 5034.] elect three respectable citizens to be auditors for adjusting the accounts of the preceding year, agreeably to an act of the general assembly of this commonwealth passed the sixteenth of March, one thousand eight hundred and nine: *Provided always*, That all and singular, the costs and expenses in laying out and opening roads, all costs chargeable to the counties of Potter and M'Kean, arising from criminal prosecutions instituted against persons within said counties, and all other costs and expenses incidental to said counties, and which of right should be paid by the same on account of the jurisdiction of the several courts of Lycoming, and the authority of the judges thereof, extending over the said counties of Potter and M'Kean, shall be paid by the treasurer of the counties of Potter and M'Kean, on orders drawn by the commissioners of Lycoming county, and countersigned by the commissioners of Potter and M'Kean.*

*SECT. 3. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners elected in pursuance of this act, and their successors, to call upon the present*

trustees of the said counties of Potter and M'Kean, and also on the commissioners of the county of Centre and the commissioners of the county of Lycoming for the purpose of examining, liquidating, and receiving such balances as shall be found due to the said counties of Potter and M'Kean as the case may be, and received to the use of the same; and if on examination it be found that a balance is due from either of the counties of Potter and M'Kean to either of the counties of Centre or Lycoming, then it shall be the duty of the commissioners of the county of Centre or Lycoming, as the case may be, to call on the commissioners of the counties of Potter and M'Kean, and recover said balance.

1814.

Liquidation  
of accounts.

SECT. 4. *And be it further enacted by the authority aforesaid,* That said commissioners shall hold their office at the house, now or lately occupied by Benjamin Burt, on the east and west road in the county of Potter, until otherwise directed by law.

Where com-  
missioners to  
hold their  
office.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners and treasurer of the said counties of M'Kean and Potter to keep a separate and distinct account of the monies raised and collected from the said counties respectively, and shall therefrom pay and discharge all and singular the costs and expenses of levying, assessing and collecting the same, costs of prosecution chargeable to the county, arising from suits instituted against persons within the said county district, and all rewards for killing wolves and other animals of prey and also all other costs and expenses incidental to the said county district, and the remainder or surplus thereof shall remain for the use of the county district in which it shall have been raised.

Commission-  
ers and trea-  
surer to keep  
distinct ac-  
counts.

SECT. 6. [Obselete.]

SECT. 7. *And be it further enacted by the authority aforesaid,* That the county of M'Kean shall, after the said first day of September, one thousand eight hundred and fifteen, for the election of members of congress, be attached to the tenth congressional district of this commonwealth, and shall, in conjunction with the county of Lycoming, and the counties thereto attached, elect a senator, members of the general assembly and sheriffs and coroners. [See ch. 4065.]

M'Kean at-  
tached to  
congression-  
al district.

SECT. 8. *And be it further enacted by the authority aforesaid,* That Samuel Dale and Alexander M'Calmont, be, and they are hereby appointed commissioners to run and mark the division line between the counties of M'Kean and Warren, agreeably to the following points: *That is to say,* The north boundary line of M'Kean county shall extend to the Alleghany river, thence, down the said river, to the place where the present supposed line strikes the same the second time, and from thence to the northern line of Jefferson county, which said commissioners shall deposit a draft of their proceedings in the office of the secretary of the commonwealth, and shall receive three dollars per mile, including the expenses of axemen and chain bearers, to be paid by the said counties, in such proportions as the said commissioners shall decide to be just and proper.

Commission-  
ers appointed  
to run the  
line of  
M'Kean and  
Warren.To deposit  
drafts, &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the bounty given by law for destroying wolves and panthers, shall be allowed to Indians, on their proving by the testimony of any

Bounty kil-  
ing wolves,  
&c. to be al

1814. *reputable citizen, to the satisfaction of any justice of the peace who may be applied to within the counties of Potter and M'Kean, that the wolves or panthers, as the case may be, and whose heads are to be produced, were killed in the county where such justice has jurisdiction; and on his producing a certificate from the commissioners, to the treasurer of said counties, as the case may be, the treasurer shall pay the same.*

*SECT. 10. And be it further enacted by the authority aforesaid, That so much of any act or acts of the General Assembly as is altered or supplied by this act, be, and the same is hereby repealed.*

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 406.

NOTE.—See notes vol. 4, p. 175. The trustees of the county are required to surrender their trust to the commissioners, &c. Any two justices authorized to administer the oath of office to the constables of the county, as the same is done in other counties by the courts of Q. S. until organized (ch. 4409.)

The public accounts settled by the auditors for the years 1817—18—19. declared valid and provision made as to the future election of auditors by the counties separately, (ch. 5034.)

The counties of Lycoming, Centre Clearfield, M'Kean and Potter, Bradford and Tioga, to be a district and to elect one senator: return judges to meet at the court house in Williamsport. The counties of Lycoming, Potter and M'Kean to be entitled to one representative: return

judges to meet at the same place, (ch. 4065.)

Each county to be laid off by the commissioners into suitable districts for the appointment of justices of the peace not to exceed six, (ch. 3868.) See art. 4, Cons. sec. 10.

The supervisors before they enter on the duties, to give bond with sureties conditioned for the faithful application of all taxes, &c. coming to their hands, (ch. 4619.)

By the returns of the late census (1821) the number of taxables in the county of Potter was 50, and in M'Kean 211, [1814 the number was 13.] No slaves or persons deaf and dumb.

The counties of Centre, Clearfield, M'Kean, Lycoming, Potter, and Tioga to be a district and establish one bank to be called "The Centre Bank of Penn. (ch. 3902.)

## CHAPTER 3923.

[Ch. 4135] An act erecting part of Wayne county into a separate county.

*SECT. 1. BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That all that part of Wayne county lying south and east of a direct line from the lower end of Big Eddy on Delaware river, to the mouth of Wallenpaupack creek, and thence up the same to the main forks thereof, thence up the south branch to where the most southern branch crosses the north and south road, from thence due west, to the line of Luzerne county, be and the same is hereby declared to be erected into a county henceforth to be called Pike.*

*SECT. 2. And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Pike from and after the first day of October next, shall be entitled to, and at all times thereafter, shall have all and singular, the courts, jurisdictions, offices, rights and privileges to which the inhabitants of other counties of this state are entitled by the constitution and laws of this commonwealth, excepting that there shall be but two Courts of Common Pleas and General Quarter Sessions held in and for said county of Pike in each year.*

SECT. 3. *And be it further enacted by the authority aforesaid,* 1814.  
That from and after the first Monday of October next, the Courts <sup>Courts of</sup>  
Common Pleas and General Quarter Sessions in and for the said <sup>Common</sup>  
county of Pike shall be opened and held at such house as may be <sup>Pleas, &c.</sup>  
designated by the commissioners of said county to be elected at the <sup>to be held,</sup>  
next general election in the town of Milford in the county of Pike, <sup>&c.</sup>  
until a court house shall be erected in and for said county as  
hereinafter directed and shall be then held at the said court house.

SECT. 4. *And be it further enacted by the authority aforesaid,*  
That no suit or prosecution which has been heretofore commenced, <sup>Suits in</sup>  
or which shall be commenced in the courts of the county of Wayne <sup>Wayne be-</sup>  
before the first Monday of October next shall be delayed, discontinu- <sup>fore 1st of</sup>  
ed or affected by this act, but the same shall be completed and car- <sup>October, not</sup>  
ried into execution by the sheriff and coroner of Wayne county as <sup>to be affected</sup>  
if this act had not been passed.

SECT. 5. *And be it further enacted by the authority aforesaid,*  
That all taxes or arrears of taxes laid, or which have become due <sup>Taxes and</sup>  
within the said county of Pike, before the passing of this act and all <sup>militia fines.</sup>  
sums of money due to this commonwealth for militia fines in the  
said county of Pike shall be collected and recovered as if this act  
had not been passed.

SECT. 6. [Obsolete.]

SECT. 7. *And be it further enacted by the authority aforesaid,*  
That the sheriff, treasurer, prothonotary and all such officers as are <sup>Officers to</sup>  
by law required to give surety for the faithful discharge of the duties <sup>give security,</sup>  
of their respective offices, who shall hereafter be appointed or elect- <sup>&c.</sup>  
ed in the said county of Pike, before they or any of them shall enter  
on the execution thereof, shall give sufficient security in the same  
manner and form and for the same uses, trusts and purposes as such  
officers for the time being are obliged by law to do in the county of  
Wayne.

SECT. 8. [Obsolete.]

SECT. 9. *And be it further enacted by the authority aforesaid,*  
That John K. Woodward be and he is hereby authorized and requi- <sup>John K.</sup>  
red to run and mark the division line between the counties of Wayne <sup>Woodward</sup>  
and Pike, and shall on the second Monday in September next com- <sup>to mark the</sup>  
mence the said line at the lower end of Big Eddy on Delaware river <sup>line between</sup>  
and run thence according to the true intent and meaning of this act, <sup>Wayne and</sup>  
or in case of the death, removal or inability of the said John K. Wood- <sup>Pike.</sup>  
ward, then and in such case the said vacancy so occasioned shall be  
supplied by the commissioners of the counties of Wayne and Pike,  
for which services he shall be paid at the rate of three dollars *per*  
*diem*, with the necessary expenses, out of the treasury of the county  
of Wayne.

SECT. 10. *And be it further enacted by the authority aforesaid,*  
That where the division line shall divide a township, the part of the <sup>Townships</sup>  
township thus divided which shall remain in Wayne county shall be <sup>when divided</sup>  
a township, and the part of the township thus divided which shall be <sup>by county</sup>  
in the county of Pike shall be a township, and each part shall retain <sup>line.</sup>  
its original name until the same shall be altered by the Courts of  
General Quarter Sessions of the said counties respectively.

SECT. 11. *And be it further enacted by the authority aforesaid,* <sup>Election dis-</sup>  
That the several election districts which shall be in the county of <sup>tricts.</sup>

1814.

Pike which were erected before the passing of this act, be and the same are hereby erected into election districts for the county of Pike, and that the townships of Salem, Palmyra and Lackawaxen be and they are hereby erected into a separate election district, and the electors thereof shall hold their elections at the house of Ephraim Kimble in Palmyra township.

Members of  
congress and  
legislature to  
be elected.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Wayne and of the county of Pike shall elect members of congress and members of the legislature of this commonwealth, and shall hold their elections in the same mode under the same regulations and make return in the same manner as is directed by the laws of this commonwealth for conducting and making returns of the elections of the county of Wayne : *Provided always,* That the returns from the several election districts in the county Wayne, shall, instead of being transmitted directly to Easton as heretofore, be on the Saturday next after such election, forwarded to the seat of justice of the county of Pike, there to be received by a person appointed in the same manner and for the same purposes as is at the time of passing this act provided by law for transmitting election returns for the county of Wayne to the court-house in the borough of Easton.

Governor to  
appoint per-  
sons to fix on  
a site for seat  
of justice.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the governor be and he is hereby authorized and required after the first day of June next ensuing, to appoint three discreet and disinterested persons not resident in the counties of Northampton, Wayne or Lehigh, whose duty it shall be to fix upon a proper and convenient site for a court house, prison and county offices within the aforesaid county of Pike, as near the centre thereof as circumstances will admit, having regard to the convenience of roads, territory, population and the accommodation of people of the said county generally ; and the said persons or a majority of them having viewed the relative advantages of the several situations contemplated by the people, shall on or before the first day of August next by a written report under their hands or a majority of them certify, describe and limit the site or lot of land which they shall have chosen for the purpose aforesaid and shall transmit the said report to the governor of this commonwealth, and the persons so as aforesaid appointed shall each receive three dollars *per diem* for their services out of the treasury of the county of Wayne : *Provided always,* That before the commissioners shall proceed to perform the duties enjoined on them by this act, they shall take an oath or affirmation before some judge or justice of the peace well and truly and with fidelity to perform said duties without favor to any person, according to the true intent and meaning of this act : *Provided also,* That if the inhabitants of the town of Milford and others, shall before the first day of June next, subscribe and pay in, or give sufficient surety for the payment thereof to the commissioners of the county of Wayne, a sum not less than fifteen hundred dollars for the use of the county of Pike, in aid of funds for erecting public buildings for the said county, then the centre square in the town of Milford shall be the site for the seat of justice, and in that case the commissioners aforesaid shall not be appointed.

Report.

SECT. 14. [Obsolete.]

SECT. 15. [Obsolete.]

SECT. 16. *And be it further enacted by the authority aforesaid,* That the judges of the Supreme Court shall have like powers, jurisdictions and authorities within the said county of Pike as by law they are vested with and entitled to have and exercise in other counties of this state, and the said county is hereby annexed to the eastern district of the Supreme Court. Jurisdiction of Sup. Court.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the county of Pike after the first of October next shall be and hereby is attached to and made a part of the eleventh judicial district, and after the present year the Courts of Quarter Sessions and Common Pleas in said district shall be held as follows, *to wit*: in the county of Luzerne on the first Mondays of January, April, August, and November; in the county of Pike on the third Mondays of January, April, August and November; in the county of Wayne on the fourth Mondays of January, April August and November; in the county of Susquehanna on the first Mondays after the courts in Wayne; in the county of Bradford on the first Mondays after the courts in Susquehanna; and in the county of Tioga on the first Mondays after the courts in Bradford. Attached to the 11th judicial district.  
The time for holding courts.

SECT. 18. [Expired.]

SECT. 19. [Expired.]

SECT. 20. [Obsolete.]

SECT. 21. *And be it further enacted by the authority aforesaid,* That the nineteenth and twentieth sections of this act shall be and continue in force for the term of three years, or until the commissioners of Pike county shall have certified to the sheriff that a jail is ready for the reception of prisoners, and approved of by the court and grand jury, who shall enter their approbation, signed by them on the record of said court, and from thenceforth it shall be lawful for the sheriff of Pike county to receive all and every person or persons who may then be confined in the jail of Wayne county, and convey them to the jail of Pike county, and to keep them in custody until they shall be discharged by due course of law. Limitations of 19th and 20th sections.

SECT. 22. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the county of Wayne, to deliver to the commissioners of the county of Pike, when elected, all maps, charts, records and papers, which may of right belong to the county of Pike, or any office therein. Papers of Pike to be delivered to the officers thereof, &c.

SECT. 23. *And be it further enacted by the authority aforesaid,* That so much of any act or acts of Assembly as is hereby altered or supplied, be, and the same hereby is repealed. Repealing clause.

Passed 26th March, 1814—Recorded in Law Book No. XIV. p. 412.

NOTE.—The counties of Northampton, Wayne, Lehigh and Pike, to be a district to elect two senators, the return judges to meet at the court house in Easton. The counties of Northampton, Wayne and Pike to elect three representatives: return judges to meet at Easton, (ch. 4065)

The proceedings of the commissioners in relation to taxes for the years 1814—15 confirmed, (ch. 4135)

The electors of Lackawaxen to hold their election at the house of Mordecai Roberts and those of Palmira at Jacob Kembles, (ch. 5079, sect. 32, 33)

1814.

## CHAPTER 3924.

An act to authorize the governor to incorporate a company for opening a Lock Navigation on Neshaminy creek, in Bucks county, from the tideway to Bridgetown, on said creek.

SECT. 1. [COMMISSIONERS named to receive subscriptions. To provide a book. Form of subscription. Price of shares 50 dollars. Notice to be given of the time and place of opening books. Books to be closed when 800 shares are subscribed. Five dollars to be paid on subscribing. 2. When 200 shares have been subscribed, commissioners to certify to the governor, who shall incorporate the subscribers by the name of "The President, Managers and Company of the Neshaminy Lock Navigation," with the usual corporate privileges. Property not to exceed 500,000 dollars. 3. Proceedings to organize the corporation and elect officers—officers to be a president, five managers and a treasurer, &c. chosen annually by ballot. Company may make by-laws, &c. not repugnant to the laws of this state or of the United States. No person to have more than five votes. 4. Stockholders to meet annually on the second Monday in June. 5. Certificates of stock to be issued, and be transferable. 6. The president, managers and agents, may enter upon lands in the vicinity of the creek to survey and lay out the route, doing as little damage as possible; and contract with the owners for the purchase of land necessary for perfecting the navigation, erecting works, &c. If they cannot agree with such owners, may open their works on the land, and the persons aggrieved may apply to the Quarter Sessions, who shall appoint six freeholders to appraise the damages. Company not to take or use any land for erecting mills or other private works. 7. May enter on the adjacent lands to procure materials, &c. first giving notice to the owners, and making amends for damages. If they cannot agree with the owners upon the amount of compensation, three freeholders to be mutually chosen to assess it. 8. Penalty for neglecting to pay instalments. When shares shall be forfeited. Company may sue for penalties and arrears. 9. Rate of toll.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or refuse to keep in good order or repair, any dam, lock or sluice of their own construction, or neglect to remove any obstacle which may occur, so that boats, rafts or other vessels may at all times safely navigate the said locks or sluices, in or near the said creek, the president, managers and company shall for each and every such offence, pay the sum of fifty dollars, to be recovered in the same manner as debts of equal amount are by law made recoverable before a justice of the peace of the proper county where the offence shall be committed, one half to the use of the informer, and the other half shall be paid to the directors of the poor and house of employment of the county of Bucks.

Penalty not keeping the canal in repair.

How recoverable.

Penalty injuring works.

SECT. 11. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever shall wilfully and knowingly do any act or thing whatsoever whereby the said navigation or any lock, gate, engine, machine or device thereto belonging, shall be injured or damaged, or shall commit any wilful trespass, or take,



carry away, or conceal any engine, device, machine or instrument used in or about the said locks, or shall open, or cause the said locks or gates to be opened. or attempt so to do, or pass or repass the same without the knowledge or consent of the superior tenant or manager of the said canal, he, she, or they so offending, shall forfeit and pay to the said incorporated company, their tenant or tenants, agent or agents, fourfold the cost and damages by him or them sustained, by means of such known and wilful act, together with costs of suit, to be recovered as debts of equal amount are or may be by law recoverable. 1814.  
Or opening the gates, &c.

SECT. 12. [The privileges granted may be resumed by the legislature whenever they shall be abused or misused.]

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 421.

### CHAPTER 3925.

An act to promote the comfort of the poor.

Sup. ch. 5000  
5019.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That after the first day of September next, the following articles owned by, or in the possession of any debtor shall be, and hereby are exempted from levy or sale on any execution, or other legal process, which may be issued against such debtor for debts, rent excepted, which shall have been contracted after said first day of September, that is to say, household utensils, not exceeding in value fifteen dollars; the necessary tools of a tradesman, not exceeding in value twenty dollars; all wearing apparel, two beds and the necessary bedding, one cow and a spinning wheel. Household goods &c. exempt from execution.

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 431.

NOTE.—One stove exempted from execution or distress, (ch. 5000.) retain all the goods and chattels which would have been exempted from execution during the life of the decedent. (ch. 5019.)

Six sheep exempted from sale on process, except for rent. On the decease of any poor inhabitant, the widow allowed to

### CHAPTER 3926.

An act for the relief of Insolvent debtors.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That any person who after the first day of September next, shall be in actual confinement in any jail in this commonwealth, on mesne or final process, for the recovery of money or damages, without any collusion with the plaintiff or plaintiffs, or who shall be so confined for the non-performance of any decree or sentence, for the payment of money, and who shall have resided within this state for six months\* [Sup. ch. 4106  
4228, 4796,  
4892. See ch.  
4653, 4892.]  
  
Insolvent to  
petition court

\* See ch. 4892, for proceedings when a debtor is arrested, and desirous to give bond for his appearance to take the benefit of the insolvent act.

The benefit of the act in the text extended to those who have not resided six months, *provided* no one who has not resided that time shall petition unless he has been confined three months, (ch. 4106.)

1814. immediately preceding such confinement, may apply by petition in writing to the Court of Common Pleas of the county wherein he shall be confined, and offer to deliver up to the use of his creditors, all his property, real, personal and mixed, to which he is in any manner entitled; a schedule whereof, (on oath or affirmation) together with a list of his creditors\* and the nature and amount of their debts as far as he can ascertain the same, with a statement of his losses and the means whereby he became insolvent, shall be exhibited with and annexed to his petition; and thereupon the court may direct fifteen or more days personal notice of such application to be given to the creditors or so many of them as can be served therewith, or direct notice of such application to be published in one or more public newspapers, for such time as the court may think proper; and at the time and place appointed for hearing the petitioner and his creditors, may administer to him the following oath or affirmation: "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm) that I will deliver up and transfer to my trustee or trustees for the use of my creditors, all my property that I have, or claim any title to, or interest in at this time, and all debts, rights and claims which I have at this time, or that I am in any respect entitled to, in possession, reversion, or remainder; and that I have not directly or indirectly, at any time, given, sold, conveyed, leased, disposed of, or entrusted any part of my property, rights or claims to any person, whereby to defraud my creditors or any of them, or to secure, receive or expect any profit, benefit or advantage thereby.

Offer to deliver up his property.

Court to direct notice to creditors, &c.

Oath.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the debtor shall thereupon exhibit to the court a just and true account of his debts, credits and state, real and personal, and satisfy the court that he has not concealed or conveyed to any person or persons whatsoever, for the use of himself or any of his family or friends, or whereby to expect any future benefit to him or them, any part of his estate, effects or credits, and shall answer all and every question relative to and concerning his estate and losses, by word or in writing, as shall be put to him by the court; and if upon such examination there shall not arise strong presumption of frauds, the court, whether at its regular terms or sitting by adjournment, shall appoint such trustee or trustees of the debtor as two-thirds in number and value of his creditors then attending, either in person or by attorney, shall nominate, or if the said creditors should not attend or not nominate any trustee, the court shall appoint such trustee or trustees as they may think proper; whereupon the court may make an order that the debtor shall not at any time thereafter be liable to imprisonment by reason, of any judgment or decree, obtained for the payment of money only,

To exhibit account of debts, &c.

To answer, &c.

Court to appoint trustees.

A debtor who has resided six months in the county immediately before his application, may apply, as if in confinement, &c. but if his application is to a court other than the Common Pleas of the county where the insolvent resides, he can only be discharged from arrest &c. as to the debt of the plaintiff in the execution, but is not prevented applying for the benefit of the laws heretofore enacted; (ch. 4796.)

\* The discharge is good though the plaintiff's name is not mentioned in the list of creditors, provided he has received notice. 1818 4 Serg. and Rawle, 2.

The jurisdiction of the District Court of the city and county of Philadelphia, extended to all persons confined by virtue of process from said court, (ch. 3859.)

or for any debt, damages costs, sum or sums of money contracted, accrued or occasioned and due before the time of said order, and such order shall be a sufficient warrant to the sheriff, jailor or keeper of the prison, where any such debtor shall then be imprisoned, to discharge the said debtor; and the court shall allow such debtor to retain the necessary wearing apparel and bedding for himself and his family, and if a mechanic or manufacturer, his tools not exceeding in value fifty dollars.\* 1814.

To order debtor to be discharged. See sect. 12.

He may retain bedding.

SECT. 3. *And be it further enacted by the authority aforesaid,* That every trustee, before he acts as such, shall give bond to the commonwealth with security in such penalty as the court shall direct, for the faithful execution of his trust; and in case of the refusal or delay of any trustee or trustees to act, or in case of his or their death, the court may appoint another or others in his or their room, who before acting shall give bond with security, as aforesaid, and each trustee shall receive such pay or commission for his trouble and services as shall be thought reasonable and ordered by the court.†

Trustees to give bonds, &c.

Vacancies.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the trustee or trustees shall be deemed vested with all the estate of such debtor, at the time of his or their appointment, and may and shall take the same into possession, and all books, vouchers and papers relating thereto; and shall be capable in his or their own names to sue for and recover any property or debts belonging to such debtor at the time of his or their appointment; and no suit brought by such debtor and pending at the time of the appointment of said trustee or trustees shall abate thereby, but the same shall be continued, and the money or property recovered therein shall be paid or given to the said trustee or trustees.‡

Vested with the estate, &c. of the debtor.

May sue, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the trustee or trustees shall have power to compound with the debtors of the said petitioning debtor, in cases of dispute or controversy, or to settle the same by arbitration or otherwise; and all such debtors shall have the benefit of a defalcation, where there shall be mutual debts between them and the said petitioning debtor, in like manner as in other cases.§

May compound debtors, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the trustee or trustees shall collect the debts, and sell and convey all the real and personal estate of such debtor at public sale, and the nett produce, after paying all necessary expenses attending the execution of the trust and the commission of the trustees, shall be divided amongst the creditors in proportion to the amount of

May sell the real estate, &c.

\* The 5*l*. in value in the act of 1729, refers to the value of the article at that time. 2 Yeates 31. See also vol. 1, p. 191, in notes.

† If the court appoint more than one assignee, one cannot act. A suit in his name cannot be maintained. 4 Serg. and Rawle 549.

Under the act of 1729—30, the court may appoint new assignees and compel the first to convey their interest. 6 Bin 189.

‡ The assignment includes all property whether mentioned in the schedule or not. 6 Bin. 189.

§ The act (ch. 4607,) to compel assignees to settle their accounts extended to assignees then under act of 1812. (Vol. 5, p. 319,) ch. 5955.

1814.



their respective debts and claims, in doing which no preference shall be allowed to debts due by specialty, but the fees and charges of maintenance due to the jailer at the time of the discharge of the debtor, being approved by the court, shall be first paid out of the debtor's property previous to any distribution.\*

SECT. 6. *And be it further enacted by the authority aforesaid,* That the trustee or trustees shall appoint such time and place for receiving the proofs of the creditors in support of their respective claims, and for the distribution of the debtors estate, as to them shall seem proper, and shall finally close the accounts of the said estate, and make distribution at such time, not less than three, nor more than twelve months from the time of their appointment, unless the time shall be extended by order of the court, after which time every creditor shall be barred from claiming any share in the distribution of said estate: *Provided,* That if any suit affecting the estate of the debtor should be pending, or any part of the estate should remain undisposed of, or any of the effects or estate of the debtor should afterwards be discovered, the trustee or trustees shall, as soon as possible, convert the said estate or effects into money, and within three months afterwards divide the same among the creditors as aforesaid: *And provided,* That such notice, either by publication in one or more newspapers or otherwise as the court may direct, shall be given of the several times and places of meeting for the purposes aforesaid.

SECT. 8. *And be it further enacted by the authority aforesaid,* That at each of the said meetings for the purpose of making a dividend, creditors shall be permitted to prove their debts; and after making all just allowances for necessary expenses such part of the residue of the nett produce of the debtor's estate as the trustee or trustees shall direct, shall be divided among those creditors who shall have duly proved their debts, in proportion to the amount of the same, and the trustee or trustees shall take receipts from each creditor in a book to be kept for that purpose, and such receipts shall be a full discharge to the trustee or trustees, for so much as they shall fairly pay. And all proceedings of the trustee or trustees together with the accounts and vouchers exhibited to them, shall be filed with the records of the court.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if any debtor whose property shall be vested in a trustee or trustees, according to this act, shall have satisfied all claims brought in and allowed against him, the court shall order his estate and effects not sold to be restored to him, or his legal representatives, and he shall thereupon be seized and possessed thereof, as if no application to the court for the benefit of this act had been made, and if upon the final settlement of the estate, by the trustee or trustees, there shall be any surplus the same shall be paid to and be vested in the debtor or his legal representatives.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if any person with intent to defraud all or any of the credi-

\* Assignees under the act of 1729, may institute an ejectment without stating their character on record. 6 Bin. 189.

Proofs and  
claims of  
creditors be  
heard.

Dividends.

When debt-  
ors effects to  
be restored.

Fraud.

tors, shall collude or contrive with the debtor for the concealment of any part of his estate or effects, or for giving a false colour thereto, or shall contrive or concert any grant, sale, lease, bond, acknowledgment, or other like proceeding, either by parole or by writing, or shall become a grantee purchaser, lessee, obligee, or other like party, in any such fraudulent transaction, or shall with such fraudulent intent, act as broker, scrivener, factor, agent or witness, in any proceeding as aforesaid, such persons shall, on being duly convicted thereof, in the Court of Quarter Sessions of the proper county, forfeit and pay a sum not less than fifty dollars, nor more than ten thousand dollars, and shall suffer imprisonment for a term not less than three months, nor more than two years, and shall moreover forfeit all claim which he may have to any part of the estate of such debtor.\*

1814.

Punishment.

SECT. 11. *And be it further enacted by the authority aforesaid,* That if any person who shall be legally sworn or affirmed by virtue of this act, shall be guilty of wilful perjury, he shall be prosecuted and punished in the same manner as persons guilty of wilful and corrupt perjury are, or shall be prosecuted and punished by the laws of this commonwealth, and shall be liable to be taken and committed on process, and charged in execution in the same manner as if he had never been discharged or taken in execution before, and shall never afterwards have the benefit of this act.

Perjury.

SECT. 12. *And be it further enacted by the authority aforesaid,* That no debtor who shall obtain an order or discharge as aforesaid, shall at any time thereafter, be imprisoned by reason of any judgment or decree obtained for the payment of money only, or for any debt, damages, costs, sum or sums of money, contracted, accrued or occasioned, and due at the time of said order or discharge but upon every arrest upon such judgment or decree, or for such debt, damages, costs, sum or sums of money, it shall and may be lawful for any judge of the court, whence the process issued upon the showing of a copy of the order of discharge, certified by the clerk of the court where the same shall have been recorded under seal of office, to release and discharge the said debtor out of custody, and the said judge is hereby directed so to do, so that the said debtor if arrested or detained, on mesne process do give a warrant of attorney to appear to the action or actions on which he is so ar-

Discharge to exempt debtor from imprisonment, &amp;c.

\* A debtor who shall collude or contrive with others for the concealment of his effects, with intent to defraud his creditors, conceals or conveys for the use of himself his family or friends, to expect any future benefit to him or them, any part of his estate, shall on conviction in the Q. S. of the county suffer imprisonment not less than one, or more than three years, (ch. 4228.) [By ch. 4790, sentence at hard labour not less than one or more than seven years.]

Whenever the court shall be satisfied that there is ground to believe that the debtor with intent to defraud his creditors, hath concealed or conveyed as aforesaid, they shall commit him to jail for trial at the next Q. S. and if no bill is presented at the next sessions, or not found a true bill, or shall be acquitted, the court are required to discharge the debtor. If the indictment is not tried at the 2d session after commitment, the court are to discharge him, unless postponement is at his request. At the expiration of the time of imprisonment he is to be retained on the original execution, and until discharged agreeably to the act in the text, (ib.)

The strong presumption of fraud in the 16 sect. art. 9th Cons. Penn. is to be confined in its meaning to not delivering up the whole estate. 2 Yeates 31.

1814. rested or detained, and to plead thereto :\*—*Provided*, That the discharge of a debtor by virtue of this act, shall not acquit any other person from any debt, sum or sums of money, or any part thereof but that all other persons shall be answerable for the same in the same manner as before the passing of this act, and all mortgages, judgments, and executions, whereby the goods and chattels, lands and tenements of the said debtor shall be bound, shall remain good and effectual in law, and shall be first satisfied out of the debtor's estate, according to their priority of lien, in the same manner as if this act had not been passed.†

Lands, &c.  
after dis-  
charge liable  
&c.

SECT. 13. *And be it further enacted by the authority aforesaid*, That notwithstanding the discharge of any debtor by virtue of this act, all and every debt or debts due and owing from such debtor, and all and every judgment had and taken against him shall stand and be good and effectual in law to all intents and purposes against the lands, tenements, hereditaments, goods and chattels of such debtor, which he or any other person or persons in trust for him at the time of his discharge shall have had, or at any time thereafter, shall or may be in any way seized or possessed of, interested in or entitled to in law or equity, except the necessary wearing apparel and bedding for himself and his family ; and if he be a mechanic or manufacturer, his tools, not exceeding in value fifty dollars, and it shall and may be lawful for any of his creditors or his or their executors or administrators to take out a new execution against the lands, tenements, hereditaments, goods and chattels of such debtor, except as hereinbefore provided, for the satisfaction of their debts respectively, in the same manner and form as they might have done if the said debtor had never been taken in execution.

Exemption  
from execu-  
tion.

SECT. 14. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the court by whom any debtor shall have been discharged under this act, to make an order that whenever a majority in number and value of his creditors residing within the United States, or having a known attorney therein, consent in writing thereto, he shall be released from all suits, and the estate and property which he may afterwards acquire, shall be exempted from execution for any debt contracted or cause of action created previous to such discharge, for seven years thereafter, and if after such order shall be so made, and a majority in number and value of the creditors shall have consented as aforesaid, any action shall be commenced or execution issued for such debt or cause of action, it shall be the duty of any judge of the court from which the process issued to set aside the same with costs.‡

\* The act in the text discharges the insolvent as to a note drawn before but payable after his discharge 3 Serg. and Rawle 559.

A discharge under the same, of a defendant under a *ca. sa.* does not discharge his surety for a stay of execution, (ib. 463.)

† A discharge under the act (ch. 4796,) is not to extend to a release from fine imposed in any criminal prosecution. See sect. 17th and 18th of the act in the text providing a mode for the defendant's discharge from fine and costs.

The Supreme Court cannot discharge a debtor confined by process from the District Court of the city and county of Philadelphia. 5 Bin. 518. (See also, ch. 3859.)

‡ The *United States v. Frederickson*, in the Cir. Co. U. S. Penn. Dis. Oct. 1821.

*Atherton* for defendant, moved for a "rule to show cause why the process in this case should not be set aside with costs." The motion was grounded on this section.

SECT. 15. *And be it further enacted by the authority aforesaid,* 1814.  
That where the court shall have directed personal notice to be given  
to creditors in pursuance of the first section of this act, the discharge Notice to cre-  
ditors, &c.  
of any debtor shall not affect the rights or proceedings of any cre-  
ditor to whom personal notice shall not have been given as directed  
by the court.

SECT. 16. *And be it further enacted by the authority aforesaid,*  
That where any rent shall be due from any debtor at the time of his Rent.  
discharge, no goods or chattels, then lying or being in or upon the  
respective tenements or lands so in lease, or liable to be distrained,  
shall be removed or disposed of without the consent of the landlord  
or person to whom the rent shall be due, until the same not exceed-  
ing one years rent be paid, and the landlord may use all lawful  
means for the recovery of his rent: *Provided,* The same exceed not  
one year's rent by distress or otherwise, as he might have done be-  
fore the passing of this act.

SECT. 17. *And be it further enacted by the authority aforesaid,*  
That any person who shall after the first day of September next, be Who entitled  
to benefit of  
this act.  
in confinement by order of any court until he or she restore to the  
owner or owners any stolen goods or chattels, or pay to the owner  
or owners the value thereof, and any person who shall be so confi-  
ned, for the payment of any fine or fines, or for the payment of the  
costs of prosecution, and for no other cause shall be entitled to the  
benefit of this act.

SECT. 18. *And be it further enacted by the authority aforesaid,*  
That every person who shall be confined in any jail within this com-  
monwealth, after the first day of September next, in execution or When debtor  
to be dischar-  
ged from im-  
prisonment.  
otherwise for any debt or debts, sum or sums of money, or fine or  
fines, forfeiture, or forfeitures none of which exceed the sum of fifteen  
dollars exclusive of costs, and shall have remained so confined for  
the space of thirty days, shall be discharged from such confinement  
and not liable to be again imprisoned for the same, and the sheriff or  
jailor shall discharge such person from confinement if confined for  
such debt or debts, sum or sums of money, fine or forfeiture only, and  
for no other cause.\*

SECT. 19. *And be it further enacted by the authority aforesaid,*  
That it shall be the duty of the several Courts of Common Pleas to Court to or-  
der support  
for insolvent.  
fix and order a daily allowance, not exceeding twenty cents for all  
such poor and insolvent debtors as shall or may be confined in the

It was stated by the counsel that a motion similar to the present had been sanc-  
tioned by the District Court for the city and county of Philadelphia.

The court refused even to grant the rule to shew cause, observing that the law,  
upon which the motion was founded was equivalent to a discharge of the debt;  
and, to say the least of it, impaired the obligation of contracts, contrary to the de-  
cision of this court in *Golder v. Prince*, and that of *Sturgis v. Crowninshield*, 4th  
Wheaton's Rep. 122. (See also ch. 3657, and notes thereto.) If the legislature can  
constitutionally take away a creditor's remedy for seven years, they can for seventy;  
in either case the law impairs the obligation of contracts, they differ only in degree.

\* In the act of March, 1789, vol. 2, p. 482, (repealed by the act in the text) there  
is a similar provision, under which it has been decided, (5 Bin. 489,) that the prisoner  
is not entitled to his discharge unless he has remained in imprisonment for the fine  
30 days beyond the term of his sentence, and then he is entitled to his discharge,  
both as to the fine and the costs. But neither fine or costs are remitted. If the  
criminal has property it is liable for both.

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prison of their respective counties, and have not property sufficient to support themselves, and it shall be the duty of the plaintiff or plaintiffs, at whose suit any such debtor may be imprisoned, his, her or their agent or attorney, upon notice given by the keeper of the prison, to pay the said daily allowance at the prison on every Monday morning, while the debtor continues in prison, on failure whereof for the space of three days, the debtor may apply to the Court of Common Pleas if it be in session, or if not, then to a judge of the same, who upon enquiry, and finding the said debtor to be destitute of property, for his support in prison, and failure of payment to have been made as aforesaid, shall forthwith discharge the said debtor from imprisonment, and such debtor shall not be again imprisoned for the same debt or debts.

To be paid  
by creditor.

On neglect  
prisoner to be  
discharged.

SECT. 20. *And be it further enacted by the authority aforesaid,*  
 Repeal. That the first thirteen sections of an act for the relief of insolvent debtors, within the province of Pennsylvania, passed the fourteenth day of February, one thousand seven hundred and twenty-nine-thirty—and an act containing a supplement to the acts made for the relief of insolvent debtors, and also granting relief to felons, unable to make restitution of stolen goods, passed the twenty eighth of February, one thousand seven hundred and eighty-seven, and a supplement to the several acts of assembly, for the relief of insolvent debtors, passed the twenty-seventh of March, one thousand seven hundred and eighty nine, and a further supplement to the act of assembly, entitled an act for the relief of insolvent debtors, within the province of Pennsylvania, passed the twenty-seventh of March, one thousand seven hundred and ninety, and a supplement to the laws, made for the relief of insolvent debtors within this commonwealth, passed the sixteenth of February, one thousand seven hundred and ninety-two, and the twelfth section of a supplement to the penal laws of this state, passed the twenty third of September, one thousand seven hundred and ninety-one, and a supplement to the acts of assembly, made for the relief of insolvent debtors, passed the third of April, one thousand seven hundred and ninety-four, and a supplement to the act, entitled an act for the relief and support of insolvent debtors, passed the seventh of April, one thousand eight hundred and one, shall be and hereby are repealed from and after the first day of September next, but no proceeding already commenced and value of the proceedings commenced, before the said first day of September shall be affected by this repeal. of action

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 431.

NOTE.—See vol. 1, p. 189 in notes, See also ch. 3657, 4892, and notes.

The act of 1812, (vol. 5, p. 319,) was repealed ch. 3603, and partially revived ch. 3657.

No female to be arrested or imprisoned for debt henceforth contracted, (ch. 4653.)

When a debtor resident six months in Pennsylvania, is arrested in a civil suit, and is desirous of taking the benefit of the insolvent acts he may apply to a judge of the Court of Common Pleas, and on giving security for his appearance at the

next term of that court he may be discharged (ch. 4892,) which repeals the 2d and 3d section of the act ch. 4796.

Proceeding to obtain a discharge under the laws of the U. S. see 3d vol. of the laws 54, 301 of which an extract will be found in notes to ch. 4892.

Act of March 1818, (ch. 4607,) to compel assignees to settle their accounts extended to those under the act of 1812, vol. 5, p. 319, (ch. 5055.)

A discharge under the law of this state protects from arrest on a bail piece



from another state for a debt contracted before the discharge. 1 *Serg. & Raw.* 311.

The law in the text discharges the person as to a note drawn before discharge but payable afterwards. 3 *Serg. and Raw.* 559.

On a feigned issue between creditors to try the validity of a bond by an insolvent, the obligor is a good witness to shew that it was *bona fide* and for a valuable consideration. It is doubtful whether he could on cross examination be compelled to answer questions tending to shew he was guilty of fraud in relation to the bond. The declarations of the obligor made in the absence of the obligee are not evidence (*ib.* 240.)

A discharge under the act in the text of a defendant in prison under a *ca. sa.* does not discharge his surety for stay of execution pursuant to 7th sect. act 1806, vol. 4, p. 329 (*ib.* 463.)

A debtor surrendered on a bail piece is not entitled to his discharge by virtue of a provisional discharge from the commissioners of insolvents under the act of 1812, 4 *Bin.* 483. See also 1 *Dall* 368.

If the principal has been discharged by a bankrupt law, the bail are required to pay only the costs of the *scire facias* only, not of the original suit, to entitle them to an *exoneretur*, 5 *Bin.* 507.

The *lex loci* is the law of the contract whenever the performance is demanded. The same law which creates the change will be regarded if it operate a discharge of the contract. If the defendant pleads a discharge as a bankrupt in a foreign country the *onus probandi* is on him to prove that the cause of action accrued in that country. 1 *Peters Rep.* 75

A debt contracted in one country cannot be discharged by the bankrupt laws of another. (*ib.*)

A discharge in the district of Columbia under the law of U. S. does not entitle bail in this state to an *exoneretur*, because, according to opinion of the court of last resort in that district a discharge under the law of Pennsylvania would not be recognised there; the debt being contracted and due to a person out of the jurisdiction of the place, where the discharge was obtained. 5 *Bin.* 381.

If between the return of a *ca. sa.* against the principal and the return of a *sci. fa.* against the bail, the principal is discharged under a bankrupt or insolvent law, the bail are entitled to an *exoneretur*.

A is arrested and held to bail in Pennsylvania for a debt contracted in the district of Columbia. He is afterwards discharged under a general statute of Maryland, where he resides, from all his debts, upon the surrender of his property to trustees; and is exempted by a special statute from the necessity of giving notice to his creditors.

Held that as Maryland gives effect to a Pennsylvania discharge, the same effect ought to be given to hers, and that the bail are entitled to an *exoneretur*. 5 *Bin.* 332.

On a rule to shew cause why the defendant should not be discharged on common bail, he having been discharged under the insolvent law of Pennsylvania, evidence to show that the charge had been unfairly and fraudulently obtained cannot be given on a collateral motion. To do so would be to introduce a practice highly inconvenient. 1 *Peters* 484.

No case is recollected where a discharge on common bail has been directed on the ground of a discharge under an insolvent law of a country where the defendant did not reside, or in which the contract was not made, &c. The courts of the state where the discharge is given may be bound to discharge, no matter where the debt was contracted, but the federal courts, or the courts of other states are under no such obligation and they ought not on the ground of comity to give it effect in their courts. (*ib.*)

The laws of the several states as to rights, furnish rules of decision for the federal courts under certain qualifications but as to remedies they have no binding force in these courts. (*ib.*)

The defendant having been discharged by the insolvent laws of the state of Pennsylvania from a debt contracted in the state, the Circuit Court of the U. S. discharged him on common bail but refused to quash the writ of *capias*. *Cir. Court U. S. Pennsylvania District.* 1 *Peters Rep.* 404.

The priority given to the U. S. by the act of Congress 1799, in the payments of debts on custom house bonds out of the estates of insolvents supersedes a foreign attachment laid upon the insolvents property prior to his insolvency, such debts must be first paid out of the funds in the hands of the garnishee. 2 *Serg. and Raw.* 221.

If a man clearly insolvent having ceased to do business with the view of assigning his estate to his creditors, make first an assignment of part to one creditor or a set of creditors, and afterwards of the residue to another, the two are to be considered as one transaction so far as regards the right of preference of the U. S. who may resort to either fund for the payment of bond for duties. But if one fund has paid the whole debt to the U. S. it is entitled to contribution from the other. 2 *Serg. and Rawle* 326.

Where goods had been assigned, debtor under the act of 1808, but remained in possession with the permission of assignees more than eight years it was held that they were not liable to an execution for a debt contracted prior to the assignment and due to a creditor who had

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signed a letter exempting the debtor from suits and his property from executions during the term of seven years after his discharge.

*It seems* that such length of possession would be fraudulent with respect to a debt contracted *after* the discharge 4 Serg. and Raw 117.

An assignment by an insolvent with an understanding that part of the property shall be conveyed for the use of his family is, so far as it respects the property conveyed for the family fraudulent and void, as to all creditors who do not as-

sent to the arrangement, and the non-assenting creditors may take it in execution, 6 Bin. 338.

A discharge under the insolvent law of 1812, does not disturb the lien of a judgment. The lands of the insolvent remain after discharge subject as before to proceedings by mortgages and judgment creditors. If the defendant is in possession, with the permission of his assignees it is not necessary to serve a *scire facias poss annuum et diem* upon his assignees 6 Bin. 391.

## CHAPTER 3927.

[Sup. ch.  
4222.]

An act to authorize the governor to incorporate a company for erecting a bridge over the west branch of the river Susquehanna from the east end of Market street, in the town of Lewisburg, in the county of Union, to the opposite shore.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. To provide books. Form of subscription. Fifty dollars to be the price of each share. Notice to be given of the time and place of opening books. Books may be transferred from place to place, and the commissioners may adjourn from time to time on giving notice. Books to be closed when 1000 shares are subscribed. Three dollars a share to be paid on subscribing. 2. When 800 shares have been subscribed, the commissioners may certify it to the governor who shall incorporate the subscribers by the name of "The President, Managers and Company for erecting a bridge over the west branch of Susquehanna at the town Lewisburg," with the usual corporate privileges. 3. Proceedings to organize the corporation. Officers to be a president, six managers, a treasurer, a clerk, &c. to be chosen annually by ballot. Company may make by-laws, &c. not inconsistent with the laws of this commonwealth. No person to have more than fifteen votes. 4. Stockholders to meet annually on the first Monday in May to choose officers and transact business. 5. Certificates of stock to be issued and be transferrable. 6. Five of the managers to be a quorum to transact business, appoint engineers, workmen, &c. and fix their wages, &c. 7. Penalty of five per cent. a month on those who neglect to pay their instalments. Shares to be forfeited when the penalties are equal in amount to the value of the shares. 8. May enter on lands, &c. convenient to the site of the bridge, and carry away materials, &c. having first given notice to the owners, and making amends for damage. If they cannot agree upon the amount, three freeholders to be chosen between them to appraise it. 9. Fair accounts of receipts and expenditures to be kept and submitted annually to the stockholders. Shares may be increased if necessary. 10. Rates of toll.]

Penalty for  
demanding  
illegal toll.

SECT. 11. *And be it further enacted by the authority aforesaid,* That if the said company, their successors or assigns shall collect or demand any greater rates or prices for the passing over the said bridge than those hereinbefore prescribed, or shall neglect to keep the said bridge in good repair, they shall for every such offence for-

feit and pay thirty dollars, one half thereof for the use of the poor in the counties of Union and Columbia, the other half for the use of the person who shall sue for the same to be recovered before any justice of the peace in and for the counties of Union or Columbia: *Provided always*, That no suit shall be brought in this respect unless within thirty days after the offence shall have been committed.

SECT. 12. [Accounts to be kept of tolls received and dividends of the clear profits declared. 13. Abstract of accounts to be laid before the legislature every third year. Provisions for increasing and reducing tolls. 14. The company not to engage in banking. Work to be began in four and finished in seven years. 15. Charter to be void if the privileges are abused or misused.]

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 444.

NOTE.—The governor is authorized to subscribe for 400 shares, (ch. 4222 )

## CHAPTER 3928.

An act to erect M'Connellsburg in the county of Bedford, into a borough. [Ch. 4343.]

SECT. 1. [M'CONNELLSBURG erected into a borough. Bounds. 2. Time and place of electing a burgess and four council men. Judges, inspector and clerk of election to be chosen and to take an oath or affirmation. Judges of election to file a duplicate certificate with the records of the corporation. Vacancies to be filled by a new election. 3. Burgess, &c. to be a body corporate by the name of "The Burgess and Town Council of the Borough of M'Connellsburg in the county of Bedford," with the usual corporate powers. Corporate property not to exceed the yearly value of three thousand dollars. 4. Penalty on officers refusing to serve. No person required to serve more than once in three years. 5. Burgess and town council to choose a town clerk and other officers, and make such rules, ordinances, &c. not inconsistent with the laws of the United States, or of this state, as may be necessary for the government and advantage of the borough. The tax in any one year not to exceed one cent in the dollar, unless for some purpose of general utility, approved of by a majority of the taxable inhabitants. 6. Burgess to issue his precept to the high constable, to collect taxes, &c. and pay them to the treasurer. Justices of the peace within the borough to exercise all the powers given them by the laws. 7. By-laws ordinances, &c. to be recorded. Town clerk to attend meetings of the council, to keep the common seal, records, &c. Appeal for persons aggrieved to the Quarter Sessions of Bedford county. 8. Burgess to take an oath or affirmation of office, and administer an oath or affirmation to the town council and other officers.]

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 454.

NOTE.—The electors to choose two persons annually for constables, return the names to the Q. S. who to appoint one, (ch. 4343.)

## CHAPTER 3929.

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An act to incorporate the York Haven Company.

SECT. 1. [MEMBERS of the company incorporated by the name of "The York Haven Company," with the usual corporate privileges. Corporate property not to exceed one million dollars. 2. Affairs of the company to be managed by a president and five directors. 3. Present president and directors to continue until others are chosen. 4. Elections to be held on the first Monday in December annually. How they shall be conducted. 5. The estate heretofore held in trust for the members of the company vested in the corporation. Shares to be transferable. 6. President and directors may elect a secretary, fix salaries, appoint agents and factors, and make by-laws, &c. not repugnant to the laws of the United States or this state. Nothing in this act to prevent the opening and completing the turnpike from Yorktown to the head of the canal of the breadth required by law. The company not to injure the navigation of the river. 7. Company may enlarge the canal. 8. Rate of toll. 9. Company not to issue bank notes, make discounts or receive deposits. 10. To be deprived of their privileges if they shall abuse or misuse them.]

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 459.

## CHAPTER 3930.

A supplement to an act entitled "An act to amend and consolidate with its supplements, the act entitled "An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables and for other purposes."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That if any referee appointed under the third section of the act to which this is a supplement, or under an act regulating the proceedings of justices of the peace and aldermen, in cases of trespass, trover and rent, shall not attend at the time and place fixed for hearing the cause, it shall be the duty of the referee or referees present, (where the parties cannot agree on the person or persons to supply the vacancy, or where only one of the parties attends) to appoint proper persons in place of those who may be absent, and the referees thus appointed shall have the same authority as those originally appointed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said referees shall be sworn or affirmed by an alderman or justice of the peace, or they may swear or affirm each other, and then any of them shall have power to administer oaths or affirmations to witnesses, in the cause before them, and the said referees or a majority of them, shall have power to adjourn their meetings to any other time or place, and as often as they may deem proper.

Passed 26th March, 1814.—Recorded in Law Book No. XIV. p. 464.

NOTE.—The prothonotaries of the Common Pleas are authorized to administer the oath required by the 21st section of the original act, (ch. 4301,)

[Vol. 5, p. 161]

Certain proceedings of referees, &amp;c.

Ch. 3909.

Referees to be under oath &amp;c.

And may adjourn their meetings.

A further supplement (ch. 4893,) prescribes the form of proceeding against constables and justices for neglect of duty, and repeals that part of the 4th sect. of the original act which relates to costs on appeals, &c. See ch. 4164 and 4893, and notes thereto.

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### CHAPTER 3933.

An act regulating the mode of charging interest on land in certain cases, and for other purposes. [Ch. 4349, 4139.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be lawful for the secretary of the land office to issue warrants to any person entitled thereto, within the purchase of one thousand seven hundred and sixty-eight or the previous purchases, at the rate of ten pounds per hundred acres, charging interest within the purchase of one thousand seven hundred and sixty-eight from the first day of March, one thousand seven hundred and seventy, and within the previous purchases from the first day of March, one thousand seven hundred and fifty-five, in cases where the applicant cannot obtain proof of the time the said land was first improved as required by the existing laws. Charging interest.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of June next, so much of the act of the twenty-second of September, one thousand seven hundred and ninety-four as requires a settlement, residence and raising of grain, as also so much of the act of the third of April, one thousand seven hundred and ninety-two, as reduces the price of lands to fifty shillings per hundred acres, be and the same are hereby repealed, so far as respects lands within the purchase of one thousand seven hundred and sixty eight and the previous purchases: *Provided,* That nothing herein contained shall impair or affect the right of any person who may have actually settled on vacant land before the passing of this act. Repeal. Vol. 3, p. 193. Vol. 3, p. 70. Proviso.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 468.

NOTE.—The secretary of the land office is authorized to issue warrants for any vacant unappropriated lands within the purchase made of the Indians in 1784, lying east of the Allegheny river and Conewango creek, at the rate of \$26 66, for every 100 acres. (ch. 4349.) addition to the proof already required by law, prove by a disinterested witness, whether such lands are improved or unimproved, and if improved the date when such improvement commenced. (ib.) See ch. 4349, 4139, 4856 and notes thereto.

Persons applying for warrants shall in

### CHAPTER 3935.

An act for the aid of Harrisburg Academy.

SECT. 1. [A LOT of the public ground in the borough of Harrisburg, granted for the purpose of an academy.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 470

## CHAPTER 3943.

1814.

[See vol. 4, p. 326.]

An act further to regulate proceedings in courts of justice.

**SECT. 1.** *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That any deposition taken or to be taken in any cause which by the rules of law may be read in evidence on the trial of the cause in which it is or may be taken, shall be allowed to be read in evidence in any subsequent cause wherein the same matter shall be in dispute between the same parties or persons, their heirs, executors, administrators or assigns: *Provided,* That such deposition shall be admitted in such subsequent cause under the same rules and restrictions as if it had been offered to be read on the trial of the original cause.

Depositions may be read in any subsequent cause.

Proviso.

In cases of nonsuit.

**SECT. 2.** *And be it further enacted by the authority aforesaid,* That, after the first day of August next, whenever, on the trial of any cause the jury shall be ready to give in their verdict, the plaintiff shall not be called nor shall he then be permitted to suffer a nonsuit.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 482.

**NOTE.**—Unless witness is *directly* interested, he is a competent; 4 Bin. 83. Vol. 6, p. 500.

A leading question must be objected to at the time and not when the deposition is offered. 3 Bin. 130.

Notice to have convenient certainty as to time and place, *ib.* Two days in the country was considered too short, 1 Serg. & Raw 478.

A deposition before a person who is a justice, altho' not so described, is good, 3 Bin. 539.

Deposition need not be subscribed when taken under a commission. 1 Serg. and Rawle, 201.

Where several adjournments took place, one party only attended and the deposition taken in the absence of the other, held irregular. 2 Serg. & Rawle, 70.

Deposition is always open to legal exceptions unless the contrary is declared, (*ib.* 383.)

This suit entitled erroneously by adding a defendant who had not been summoned, will not invalidate the deposition. 3 Serg. and Rawle, 402.

If a witness state his impressions from circumstances, without mentioning what they are, his deposition cannot be read. 4 Serg. and Rawle, 329.

A deposition taken without notice cannot be read, altho' a person having an

interest, attended without authority; *ib.* 298.)

The magistrate ought to put the interrogatories and obtain a distinct answer to each, and if the witness refuse to answer, should certify that fact, (*ib.* 298.)

A witness to refresh his memory may, with consent, read a copy of a former deposition, but if the contents of the copy be inserted in the deposition he is about to make and he swear to it without recollecting the contents, it cannot be received, (*ib.* 499.)

A deposition taken *ex parte*, after the hour named in the rule, cannot be read, but if the opposite party had notice, did not attend at the hour, they may. 2 Bin. 72.

In an ejectment against A for the use of the heirs of B, a deposition taken in a former ejectment by B against the same defendant for same land, but in which plaintiff claimed under a different title, cannot be read. 1 Serg. and Rawle, 111.

Depositions before the Board of Property are not evidence in a trial at law, even between the same parties. But an *ex parte* deposition had before them by the adverse party is admissible, if produced to take from the weight of their decision, by showing the sort of evidence on which they decided. 1 Serg. & Rawle, 526.

## CHAPTER 3944.

An act making provision for the travelling expenses of the Presidents and Associate Judges of the Courts of Common Pleas.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Mileage at the presidents and associate judges of the Courts of Common Pleas allowed. respectively, shall receive, in addition to their present salaries, the sum of fifteen cents for every mile by them necessarily travelled, in performing the duties of their offices, to be paid quarterly.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 483.

## CHAPTER 3945.

A further supplement to the act to enable the governor to appoint Notaries Public, [Orig. act vol. 3 p. 1, Sup. 325, ch. 3994. 3999, 4017.] and for other purposes therein mentioned.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be and he is hereby authorized, to appoint one additional notary public, in the county of Lancaster, who shall hold his office in the borough of Marietta, in the said county, under the restrictions and provisions contained in the act to which this is a further supplement, excepting only so much of the first proviso, in the second section of the said act, as limits the number of notaries, which part of said proviso, so far as it applies to the county of Lancaster, and no farther, is hereby repealed. Notary public appointed for Marietta.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 483.

NOTE.—The governor to appoint notaries to reside at the places named in their commissions. In the city of Philadelphia not exceeding six, (vol. 3, p. 6.) For Southwark and Northern Liberties each one, (ib. 325.) For Germantown one, (ch. 4017.) Their fees (ch. 3994.) Their official acts certified under their hands and seals of office, may be received in evidence but may be contradicted, (ch. 3999)

## CHAPTER 3946.

An act directing an enquiry into the right and authority of the Erie and Waterford turnpike road company, to demand and receive tolls. [See vol. 4 p. 124. See also ch. 5018.]

SECT. 1. [THE governor to appoint commissioners to enquire into the state of the road, and report whether completed. If so to receive tolls, &c. Company to lay an abstract of their accounts before the next legislature.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 484.

NOTE.—The governor to grant his license auditor general of their receipts and expenditures, (ch. 5018.) to erect gates and receive tolls and the company to make an annual report to the

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## CHAPTER 3953.

An act for altering a part of the state road from Blair's Gap to the western boundary line of the state, in Mercer county, and for other purposes.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That a road beginning at White's quarry, east of Neshanack creek, on the state road from Blair's gap to the western boundary of the state, near the town of Newcastle, in the county of Mercer, thence running westwardly, so as to cross the said creek opposite Washington street, in the town of Newcastle aforesaid, thence along the said creek to Shenango river, thence across the said river, thence on a north-westwardly direction so as to intersect the aforesaid state road at or near the top of Byers' Hill, a distance of about three-fourths of a mile, be and the same is hereby established a public road and highway, of the width of sixty feet, and shall be part of the state road aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That John Carlisle Stewart, John Sankey, and Crawford White, of the county of Mercer, be and they are hereby appointed commissioners, whose duty it shall be to lay out, survey and make a draft or plot of the said road, the draft or plot whereof shall be deposited by them and remain a record in the office of the clerk of the Court of Quarter Sessions of the said county, and a copy of the same forwarded to the secretary of the commonwealth, to be filed in his office; and the said commissioners shall each receive the sum of one dollar and fifty cents, as a full compensation for said service, to be paid by the county of Mercer, aforesaid. And the supervisors of the township or townships through which the said road may pass are hereby enjoined to open and keep the same in repair, under the same rules, restrictions and remedies, provided for opening and keeping in repair roads laid out under the authority of the Courts of General Quarter Sessions of the Peace in this commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when the road hereby established shall have been opened and made in a manner suitable for public use, then and from thenceforth that part of the state road between the two points aforesaid, which runs through North-street, in the said town of Newcastle, be and the same is hereby vacated.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all roads north and west of the rivers Ohio and Allegheny, and Conewango creek, heretofore laid out, commonly called state roads, shall, from and after the passing of this act, be kept in repair by the supervisors of the several townships through which they pass, the same as roads laid out by order of the Court of General Quarter Sessions of the Peace.



An act authorizing the governor to incorporate a company for making an artificial road from the Lancaster, Elizabethtown and Middletown, turnpike, to the ferry, on the Swatara creek, near the mill formerly owned by James Wallace.

SECT. 1. [COMMISSIONERS appointed. To procure books. Form of subscription. Shares 100 dollars. Notice to be given of the time and place of opening books. Books to be kept open six hours a day for two days. To be closed when 400 shares subscribed. Power to adjourn and transfer books. Ten dollars to be paid on subscribing. 2. When 150 shares subscribed by fifty persons the governor to incorporate the subscribers. Style "The President Managers and Company of the Elizabethtown, Conewago and Swatara Turnpike road." 3. Proceedings to organize the corporation. Officers to be chosen a president twelve managers and a treasurer. Power to make by-laws, &c. To have the same powers and be subject to the same restrictions as the "Lancaster Elizabethtown and Middletown Turnpike Company," vol. 4, p. 134. No toll to be demanded from any person passing from one part of his farm to another, or to or from any place of public worship or funerals, nor from the militia going to or returning from muster. 4. Penalty for neglecting to pay instalments. When the shares shall be forfeited. Road to be commenced in three and ended in seven years.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 496.

## CHAPTER 3955.

An act to authorize the governor to incorporate a company for making an artificial road from the borough of Marietta through Portsmouth, towards Harrisburg.

SECT. 1. [COMMISSIONERS appointed. To procure books. Form of subscription. Shares fifty dollars. Notice to be given of the time and place of opening books. Books to be closed when 2000 shares subscribed. Power to transfer books from place to place, and adjourn from time to time. Five dollars a share to be paid on subscribing. 2. When twenty persons have subscribed 300 shares, the governor to incorporate. Style "The President Managers and Company of the Marietta and Portsmouth Turnpike Road." 3. Proceedings to organize the corporation. Officers to be a president eight managers and a treasurer, chosen by ballot. Power to make by-laws. No person to have more than five votes. Road to pass from Marietta through Centerville, Bainbridge and Portsmouth to such point on the road from Harrisburg to Middletown as may be thought expedient. Company to have like powers, &c. as the Lancaster and Susquehanna Turnpike Company. (Vol. 3, p. 191.) 4. Penalty nonpayment of instalments. When shares to be forfeited. No person in arrears to be allowed a vote. 5. Gates to be erected for every five miles completed. To be commenced in two and finished in seven years.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 502.

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## CHAPTER 3956.

An act to erect the town of Mercer in the county of Mercer into a borough.

SECT. 1. [BOROUGH incorporated. Bounds. 2. Burgesses, &c. to be elected on the 1st Monday in May annually, by electors qualified to vote for members of assembly, and who have resided six months in the borough. 3. Elections to be held at court house. Duplicate certificates of election to be made out and filed. 4. Burgess, &c. may make rules and ordinances, levy taxes, &c. Tax not to exceed one cent in the dollar of the valuation, unless agreed upon by a majority of the taxable inhabitants assembled in town meeting. 5. Style "The burgess and inhabitants of the borough of Mercer in the county of Mercer." Property not to exceed yearly value of 3000 dollars. Common seal. Burgess and assistants to appoint officers. 6. Penalty on officers refusing to serve, five dollars. To be recovered before any justice of the peace. No person to serve more than one year in five. Aggrieved to apply to the C. P. 7. Burgess to take an oath, &c. To administer an oath, &c. to other officers.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 508.

## CHAPTER 3957.

An act confirming the official proceedings of Michael Lynch and Thomas Cannon, justices of the peace.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all acknowledgements of deeds, powers of attorney, and other instruments of writing taken and executed before Michael Lynch a justice of the peace of Chester county, prior to the passing of this act, and all other his official acts be and they are hereby declared to be as valid and effectual in law, to all intents and purposes, as if the said justice had performed the same within the district mentioned in his commission, and that all appeals from the judgment of the said justice, may be prosecuted to judgment, discontinuance or non-suit, as in other cases.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all the official acts of Thomas Cannon, a justice of the peace for Allegheny county, which have, prior to the passing of this act, been done and performed in and for Mercer county, since the organization of the same, be and they are hereby confirmed and made as valid as if he, the said Thomas Cannon, had been commissioned for the county of Mercer aforesaid.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 514.

## CHAPTER 3958.

An act to repeal an act for laying out a road from West Chester to M'Call's ferry.

SECT. 1. [ACT ch. 3693, repealed and road vacated.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 515.

An act for the better regulating and collecting certain taxes within the city and county of Philadelphia.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the several assessors who shall be elected in the city and county of Philadelphia, at the next election for that purpose, and at every such subsequent election, and they are hereby enjoined and required to proceed to take the assessment required of them, or either of them, on or before the third Monday of November next ensuing, and to make return of the same to the county commissioners, on or before the third Monday of January thereafter.

When assessments to be taken.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in case either of the assessors as aforesaid, shall neglect or refuse to take the assessment and make the return, as is provided for in the first section of this act, each and every assessor so neglecting or refusing, shall be subject to pay any sum not exceeding fifty dollars, to be sued for and recovered by the commissioners of the county of Philadelphia, for the use of the poor of the city and county of Philadelphia.

Penalty on neglect.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Philadelphia be and they are hereby required to deliver the proper duplicates to the collectors, who may have been returned to them by the assessors, on or before the first Monday in April in each year, after the year one thousand eight hundred and fourteen, and in case the said commissioners shall have neglected or refused to perform the said duty, each of them shall be fined in a sum not exceeding fifty dollars, and the judges of the Court of Quarter Sessions, or a majority shall be and they are hereby required to meet on the first Monday of April in each year, after the year one thousand eight hundred and fourteen, and ascertain whether the provisions of this section shall have been executed, and in case the said commissioners shall not have performed the duty hereby enjoined, the auditors or a majority of them, of the city and county of Philadelphia, shall cause the said fine to be levied and collected, and the fine or fines when collected, shall be paid over to the guardians of the poor for the county of Philadelphia, for the use of the poor of the city and county of Philadelphia.

When collectors shall receive duplicates, &c.  
Penalty on commissioners neglect.  
Duty of Judges

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of any act or acts as is hereby altered or supplied, be and the same are hereby repealed.

Repeal.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 516.

NOTE.—See vol. 3, p. 392, vol. 4, p. 530. So much of the 8th sect. of the act (vol. 3, p. 392) as exempts ministers of the gospel and school-masters, from taxation, repealed, (ch. 4300.)

The Masonic Hall in Philadelphia ex-

empted from taxation for 20 years from 9th February, 1820. (ch. 4811.)

Pennsylvania Hospital, and adjacent ground exempted as long as employed for charitable purposes. (ch. 4270.)

Collectors in Philadelphia county re-

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quired to have a clear freehold sufficient to secure the whole amount of duplicate or to give security for the same; in case of failure, commissioners to appoint collectors, (ch. 4919.)

Vacant lots in the city or county may be sold for taxes in the manner of unseated lands, as by the acts vol. 4, p. 201 and vol. 5, p. 73, (ch. 3979.)

Assessors in the school districts of the city and county of Philadelphia, to make return to the comptrollers of the names of all poor children. Assessor to receive a compensation to be fixed by comptrollers; penalty on neglect 20 dollars, (ch. 4519.)

The duties of the assessors and commissioners under the act to provide for the enumeration of taxables and slaves, (ch. 4021.)

Commissioners of the county of Philadelphia authorized to appoint one or more collectors of militia exempt fines; their duty and compensation. For subsequent

provision as to exempt fines see ch. 5078, sect. 58.

The "two reputable citizens" directed by the 10th sect. of the act vol. 3, p. 396, to be appointed collectors, must be resident within the ward or township and possess a freehold *therein*. 1 Serg. and Rawle, 382.

If the assessors return two, and one not qualified, the commissioners are not bound to appoint either. If persons returned are not qualified, the commissioners may appoint another person, but he must possess the qualifications required by the act. (ib.)

A collector in arrear who has not given security is for that reason alone disqualified (ib.)

Any citizen paying taxes has an interest to authorize an information in the nature of a *quo warranto*, to be filed at his suggestion, to enquire by what authority collector acts. (ib.)

## CHAPTER 3960.

An act establishing an academy in the town of Indiana.

SECT. 1. [ACADEMY established. 2. Trustees named. Style "The Trustees of the Indiana Academy." Value of property not to exceed 5000 dollars. 3. A common seal. 4. First meeting of Trustees. Seven to be a quorum. To make by-laws, appoint teachers, &c. 5. Trustees elected the first Monday of April. No person to vote unless a subscriber to the funds. 6. By-laws, &c. to be entered in a book and misnomer not to vacate gifts, devises, &c. if the intention of the donor be evident. Nonuser not to work a forfeiture. 7. Appropriation of 2000 dollars. How to be expended. Three poor children to be taught gratis.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 517.

## CHAPTER 3963.

An act extending the borough of Marietta in the county of Lancaster.

SECT. 1. [EASTERN boundary extended to include the building lots heretofore laid out beyond it.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 526.

NOTE. Provision for electing a constable, stable to give security. Repeal of the 5th ch. 4013. The time of electing officers fixed. Qualification to be administered to them prescribed. Treasurer and high con-

stable to give security. Repeal of the 5th and part of the 6th section of the original act, vol. 5, p. 310, (ch. 4706.)

## CHAPTER 3964.

An act to authorize the holding of adjourned courts of Quarter Sessions in Allegheny county.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That*

[Incor. vol. 5, p. 310; see ch. 4013. 4706.]

from and after the passing of this act, the court of Quarter Sessions of Allegheny county, if the business of the court shall require it, may be continued and held during the whole week of each and every term; and the judges of the same court are hereby authorised to hold adjourned Courts of Quarter Sessions for two weeks in each year, if the increase of business, or the unfinished business in the sessions require it, under the same rules and regulations in all respects as the regular and stated sessions are now held, except that no grand juries shall be summoned to said adjourned courts. 1814. The Judges of Allegheny county, may hold adjourned courts.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 526.

## CHAPTER 3965.

An act enabling the governor to incorporate a company for making an artificial road from Pawling's ford bridge, on the river Schuylkill, to intersect the Little Conestogoe turnpike road at or near the western line of Herman Pennepacker's land in the county of Chester.

SECT. 1. [COMMISSIONERS named. To procure books. Form of subscription. Shares 50 dollars. Notice to be given of the time and place of opening books. Power to adjourn and transfer books. Books to be closed when 800 shares are subscribed. Five dollars a share to be paid on subscribing. 2. When 50 persons have subscribed 150 shares, governor to incorporate. Style, "The President, Managers and Company of the Pickering creek turnpike road. 3. Proceedings to organize the corporation. A president, seven managers and a treasurer, to be elected by ballot. Managers may make by-laws, &c. 4. To have same privileges, &c. as the "Great Valley and Wilmington Turnpike Company, (vol. 5, p. 280.) Road to be commenced in three and finished in ten years.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 526.

## CHAPTER 3966.

An act to repeal part of an act entitled "An act establishing an Academy in the town of Franklin in Venango county and granting a sum of money thereto." [Ch. 3625.]

SECT. 1. [SO much of the act, ch. 3625 as requires trustees to certify that 500 dollars are obtained, and that they have proceeded to erect buildings, repealed.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 532.

## CHAPTER 3967.

An act for the further establishment and regulation of election districts.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That the electors within the district composed of the townships of King- Election dis- trict Phila-

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 delphia coun- sessing and Blockley, in Philadelphia county, shall hold their general elections at the house now occupied by George C. Lintener, on the West Chester road in said district.

Montgomery SECT. 2. *And be it further enacted by the authority aforesaid,*  
 That Lower Salford and Franconia townships, in the county of Montgomery, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by George Schwenck, inn-keeper in Lower Salford township aforesaid.

Northampton. SECT. 3. *And be it further enacted by the authority aforesaid,*  
 That the electors of Plainfield township, in the county of Northampton, shall hold their general elections at the court house in the borough of Easton, in the said county.

Cumberland. SECT. 4. *And be it further enacted by the authority aforesaid,*  
 That Hopewell township, in the county of Cumberland shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Rodgers, inn-keeper in said township.

Luzerne. SECT. 5. *And be it further enacted by the authority aforesaid,*  
 That the electors residing in the district of Pittston in the county of Luzerne, shall hold their general elections at the central school house, in said district.

Susquehanna SECT. 6. *And be it further enacted by the authority aforesaid,*  
 That the electors residing within the district of Braintrim and Rush township, lying south of Choconet township, in the county of Susquehanna, shall be a separate election district, and shall hold their general elections at the house now occupied by Joab Picket in the said township of Rush.

Bedford. SECT. 7. *And be it further enacted by the authority aforesaid,*  
 That the electors residing in Greenfield township, Bedford county, shall hold their general elections at the house now occupied by Jacob Glass, in the township aforesaid.

Cumberland. SECT. 8. *And be it further enacted by the authority aforesaid,*  
 That all that part of the election district in the county of Cumberland, in which Millerstown is the place of holding the election, lying south of the Juniata river, shall be a separate election district, and the electors thereof shall hold their general elections at the Blue ball tavern, in the township of Juniata.

Berks. SECT. 9. *And be it further enacted by the authority aforesaid,*  
 That the township of Oley, in the county of Berks, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Kemp in said township. And the electors of the township of Pike, in the county of Berks, shall vote at the places respectively at which they heretofore voted, in the same manner as if the said Pike township had not been erected.

Chester. SECT. 10. *And be it further enacted by the authority aforesaid,*  
 That the electors residing within the bounds of the eighth or Manor election district in the county of Chester, shall hold their general elections at the house now occupied by Jacob Hower, inn-keeper, in the township of Brandywine.

SECT. 11. *And be it further enacted by the authority aforesaid.*

That the township of Salisbury, in Lancaster county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Barton Henderson in said township. 1814.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the electors of that part of Donegal township, in Lancaster county, composing the tenth election district of said county shall hold their general elections at the house of Jacob Barr, inn keeper, in the village of Maytown. Lancaster.

SECT. 13. *And be it further enacted by the authority aforesaid,* That that part of Chilisquaque township, in the county of Columbia, which lies on the west side of Chilisquaque creek, beginning at the mouth thereof, including the farm late of William Wilson, deceased, thence up the same to the Chilisquaque bridge at or near the former residence of William Murray, deceased, including the same, thence by the road to the Chilisquaque meeting house, thence on the same direction to Turbut township line, be and the same is hereby attached to the eighth election district, and the electors thereof shall hold their general elections in the town of Milton. Columbia.

SECT. 14. *And be it further enacted by the authority aforesaid,* That after the passing of this act, the parts of Elizabeth, Cocalico and Warwick townships, formerly in Lancaster county, which are now in Lebanon county, shall be annexed to and form part of the election district in Lebanon county, the electors whereof hold their general elections at the house occupied by Samuel Rex, and the part of Rapho township, which is now in Lebanon county, shall be annexed to and form part of the district, the electors whereof hold their general elections at the house occupied by Abraham Doebler, and the part of Mountjoy township which is now in Lebanon county, shall be annexed to and form part of the district the electors whereof hold their general elections at the house occupied by Casper Dasher. Lancaster.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the general elections for Sadsbury township, Crawford county, shall be held at the dwelling house of David Brackenridge in said township. Crawford.

SECT. 16. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the electors of Fayette township, in Allegheny county, shall hold their general elections at the house of Matthew M'Coy in Noblestown, in the township aforesaid. Allegheny.

SECT. 17. *And be it further enacted by the authority aforesaid,* That upper and lower Nazareth townships, in the county of Northampton, be and the same hereby are erected into a separate election district, and the electors thereof shall hold their elections at the house of Henry Jarrett, at Jarrett's villa, in lower Nazareth township aforesaid. Northampton.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the township of Towamensing in the county of Northampton, be and the same hereby is erected into a separate election district, and the electors thereof shall hold their elections at the house of Henry Boman in said township. Northamp.

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*SECT. 19. And be it further enacted by the authority aforesaid,*  
 That the township of Union in Luzerne county shall be a separate election district, and the electors thereof, shall hold their elections at the house now occupied by John T. Miller in said township.

Luzerne.

*SECT. 20. And be it further enacted by the authority aforesaid,*  
 That the township of Clifford, in Susquehanna county, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by James Wells, in said township.

Susquehanna

*SECT. 21. And be it further enacted by the authority aforesaid,*  
 That the township of Pike, in Bradford county, shall be a separate election district, and the electors thereof shall hold their elections at the house now occupied by Jesse Ross, in said township.

Bradford.

*SECT. 22. And be it further enacted by the authority aforesaid,*  
 That the electors of that part of Stoney creek township, in Somerset county, who formerly held their general elections at Shade Furnace in said township, shall hold their general elections at the house now occupied by Andrew Porcupine in said township.

Somerset.

*SECT. 23. And be it further enacted by the authority aforesaid,*  
 That the citizens of the Beavertown election district, in the county of Beaver, shall hereafter hold their general elections in the court house in the town of Beaver.

Beaver.

*SECT. 24. And be it further enacted by the authority aforesaid,*  
 That the inhabitants of that part of Centre township, Indiana county, which lies north of a line beginning at the line of Armstrong township, thence by the house of James M'Clenahan, Daniel M'Kissick and David Cummins, including said houses, and thence a direct line to the line of Wheatfield township, shall hold their general elections at the court house in the town of Indiana.

Indiana.

*SECT. 25. And be it further enacted by the authority aforesaid,*  
 That the electors of Lack township, in Mifflin county, shall hold their general elections at the school house, in or near the town of Waterford, in said township.

Mifflin.

*SECT. 26. And be it further enacted by the authority aforesaid,*  
 That so much of any former law or laws, as is hereby altered, be and the same is hereby repealed.

Repeal.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 533.

## CHAPTER 3968.

[See vol. 2, p. 399. Vol. 3, p. 359.]

An act to revive and amend the charter of the bank of North America.

*SECT. 1. BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all those persons who now are subscribers, or are vested with shares as stockholders in the bank of North America, and all those who shall hereafter become subscribers to, or stockholders in the said bank, shall be and continue for the term of ten years from the expiration of the present charter of the said bank, and thence unto the end of the session of the general assembly of Pennsylvania next ensuing, a



corporation and body politic to all intents and purposes as heretofore, by the name and style of "The President, Directors, and Company of the bank of North America": *Provided*, That within three months from and after the passing of this act the sum of one hundred and twenty thousand dollars be passed to the credit of this commonwealth on the books of the said bank, to be subject to the drafts of the state treasurer for such purposes as the legislature shall direct: *And provided also*, That the third section of the act entitled "An act to revive the incorporation of the subscribers to the bank of North America," passed the seventh day of March, 1787, shall not be so construed as to authorize the directors or stockholders of the said bank to increase the capital stock of the said bank, but the same shall be the sum of one million of dollars and no more.

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SECT. 2. *And be it further enacted by the authority aforesaid*, That the said corporation shall not at any time during the continuance thereof, deal or trade, or permit or suffer any person or persons whatsoever, either in trust or for the benefit of the same, to deal or trade with any of the stock, monies, or effects of, or anywise belonging to the said corporation in the buying and selling of any goods, wares, or merchandize whatsoever; and every person or persons who shall deal or trade, or by whose orders or directions such dealing or trading shall be made, prosecuted, or managed, shall forfeit for every every such dealing or trading, and every such order or direction, treble the value of the goods and merchandize so traded for, to such person or persons as shall sue for the same for the use of the poor of the city and county of Philadelphia: *Provided*, That nothing herein contained shall anywise be construed to hinder the said corporation from dealing in bills of exchange and promissory notes, or in buying or selling bullion, gold and silver, or public funds, or in selling any goods, wares or merchandize whatsoever which shall really and *bona fide* be left or deposited with the said corporation for money lent or advanced thereon, or from selling such goods as shall or may be the produce of lands purchased by, or mortgaged to the said corporation, according to the true intent and meaning of this act.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the stock of said bank shall not be assignable or transferable to any person or persons except a citizen or citizens of the United States, or persons having declared their intentions to become the same, nor shall any stock of the said bank be held by any person or persons except a citizen or citizens of the United States, or persons having declared their intentions to become the same, after the first day of May, one thousand eight hundred and sixteen; and any stock of the said bank that shall after that period be held directly or indirectly, by any person or persons not a citizen or citizens of the United States, or not a person or persons who may have declared his or their intention to become the same, be and is hereby declared to be forfeited to the use of the poor of the city and county of Philadelphia, for whose use the same may be transferred, or the dividends thereof received by the proper guardians and overseers: *Provided*, That the provisions of this section shall not be con-

Increase of capital.

Capital not to be used in trade, &amp;c.

Stock transferable.

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SECT. 4. *And be it further enacted by the authority aforesaid,* That if it shall hereafter appear that the charters and privileges by this act granted, are injurious to the citizens of this commonwealth, the legislature shall have full power to revoke and annul them, or any of them, at any time they may think proper: *Provided,* That if the charter hereby granted shall be revoked, the governor shall draw his warrant upon the state treasurer in favour of the president of the said bank for a proportionate part of the sum to be paid for the said charter, according to the unexpired term.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 540.

NOTE. This bank was incorporated on the 1st April 1782 (ch. 952.) On the 13th September, 1785, (ch. 1167.) the charter was repealed. On the 17th March 1787, (vol. 2, p. 399) it was revived for 14 years By act of the 20th 1799, (vol. 3, p. 359,) the act of incorporation was continued for 14 years from 17th March 1801. See act regulating banks (ch. 3902) and notes thereto.

#### CHAPTER 3970.

An act vesting the title of a certain piece of land in Toboyne township, in the county of Cumberland, in certain trustees, and their successors, for the use of a school.

SECT. 1. [THE Land Officers to make a title clear of purchase money and fees to trustees for schools to be established in the township, for a piece of land. 2. A majority of subscribers to supply vacancies of trustees.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 543.

#### CHAPTER 3971.

An act to enable the governor to incorporate a company for making an artificial road from the river Susquehanna, at McCall's ferry permanent bridge, on the state road, by Nathan Thompson, junior, and William Noble's store, to John G. Parks, thence to the Philadelphia and Lancaster turnpike, between the thirty-seventh and thirty-eighth mile stone, on said road.

SECT. 1. [COMMISSIONERS appointed. Books to be procured. Shares fifty dollars. Notice to be given of the time and place of opening books. Books may be transferred from place to place, and adjourned. Books to be closed when 600 shares subscribed. Five dollars to be paid on subscribing. 2. When 300 shares subscribed by forty persons, commissioners to certify to the governor, who to incorporate. Style "The President, Directors and Company of the McCall's ferry Permanent Bridge and Great Valley turnpike company." 3. Proceedings to organize the corporation. A president, eight managers and a treasurer to be chosen by ballot. Managers may make by-laws, regulations, &c. To have the powers, &c. of the "Columbia and Lancaster Turnpike Company," of 19th March, 1810\*. No toll to be demanded from persons passing from one part of their farms to another, place of public worship, funerals, or from the militia. Road to be commenced in three and finished in seven years from the passing of this act.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 545.

\* There appears no law of that date incorporating a company by that title.

## CHAPTER 3972.

An act to remedy defects in the title to certain lots of land belonging to Chester Monthly Meeting, in Delaware county.

**SECT. 1.** [THE right, &c. to two lots, one in Nether Providence and one in Upper Providence townships, containing about three acres, held in trust by the religious society of Quakers in said county, vested in trustees for the use of the society.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 550.

## CHAPTER 3974.

An act to incorporate Gettysburg Steam Mill and Manufacturing Company.

**SECT. 1.** [INCORPORATED. Style of "The Gettysburg Steam Mill and Manufacturing Company." Yearly income of real estate not to exceed 5000 dollars. To make by-laws &c. 2. Joint stock of the association vested in the corporation. Its contracts binding. Suits may be instituted thereon. 3. Capital stock 40,000, in shares of 100 dollars, payable by instalments. 4. Five directors to be chosen. Vacancies to be filled. First directors named. 5. Stated meetings of the company to be held. Proceedings to be entered in a book. 6. Dividends, January and June. No dividend to be made to impair the capital. 7. Stock transferable. Penalty on failure in paying instalments. 8. Annual meeting on the first Monday in January. 9. Company prohibited banking. 10. Charter to be forfeited when the privileges granted are abused or misused.]

Passed March 28th, 1814.—Recorded in Law Book No. XIV. p. 552.

## CHAPTER 3975.

An act authorizing the trustees of the German reformed church of Heidleberg township, in the county of Lebanon, formerly Dauphin, to sell and convey certain lands therein mentioned.

**SECT. 1.** [AUTHORIZED to convey three acres of 180 in Heidleberg township, adjoining lands of Abraham Andreas, &c.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 558.

## CHAPTER 3976.

An act to incorporate Stroudsburg academy, in the village of Stroudsburg, in the county of Northampton.

**SECT. 1.** [ESTABLISHED. 2. Trustees named and incorporated. Style, "The Trustees of the Stroudsburg Academy." Buildings to be erected. 3. Common seal. 4. First meeting. A majority to be a quorum. 5. Trustees may purchase lands, &c. 6. Subscribers to choose nine trustees annually on the first Monday in June. No person to be excluded as master, tutor or pupil, on account of his religious persuasion. 7. Trustees to fill vacancies. 8. Surplus money after the building completed shall be appropriated to purchase books, &c.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 558.

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## CHAPTER 3977.

An act to enable the governor of this commonwealth to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne.

SECT. 1. [LAW of New Jersey, passed 27th January, 1814, adopted, &c. as fully as if the same had been re-enacted, viz.]

## STATE OF NEW JERSEY.

An act to authorize the governor of this state to incorporate a company for erecting a bridge over the river Delaware, and near the town of Milford, in the county of Wayne, Pennsylvania.

SECT. 1. [COMMISSIONERS to open books, &c. Form of subscription. Fifty dollars the share. Notice to be given and books to be opened. When to be closed. When subscriptions apportioned, books may be transferred. Ten dollars to be paid. 2. When 100 shares subscribed by 25 persons, the commissioners to certify to the governor, who to incorporate. Style, "The President, Managers and Company for erecting a bridge over the river Delaware, near the town of Milford." 3. Proceedings to organize the corporation. A president, six managers and a treasurer, to be chosen by ballot. Power to make by-laws, &c. No person to have more than five votes. 4. Stockholders to meet on the first Monday in May annually. 5. Certificates of stock to be transferable. 6. Five managers to be a quorum. Powers. 7. Penalty neglecting to pay instalments. 8. Company may enter on lands to examine ground for opening quarries, &c. and on giving notice and making amends for damages may take materials. If parties cannot agree on compensation, three freeholders to be chosen to appraise it. 9. The company to keep accounts and submit them annually to the stockholders. Shares may be increased if necessary. 10. Rates of toll. 11. Two oxen to be equal to one horse.

SECT. 12. *And be it further enacted by the authority aforesaid,* That if the said company, their successors and assigns, and who-soever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge than what is herein before prescribed and specified, or shall neglect to keep the said bridge in good repair; he, she or they so offending, shall for every such offence forfeit and pay a penalty not exceeding the sum of twenty-five dollars; one moiety thereof for the use of the poor of the township of Upper Smithfield, in the county of Wayne and commonwealth of Pennsylvania, and the township of Montague, in the county of Sussex, equally to be divided; and the other moiety for the use of the person who may sue for the same: *Provided always,* That no suit or action shall be brought, unless within thirty days after such offence shall be committed.

SECT. 13. [Accounts to be kept of tolls, &c. received; dividends to be declared. 14. Abstract to be laid before the legislature at the end of two years. Provision for increasing tolls to divide six per cent. 15. Bridge to be begun in five and completed in ten years.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 562.

Penalty for  
exactng ille-  
gal tolls.

Proviso.

An act authorizing the sale of vacant lots within the city and county of Philadelphia, for taxes.

WHEREAS it has been represented to the legislature, that there are vacant lots or pieces of ground within the city and county of Philadelphia, for which taxes, although regularly assessed, cannot be collected, the owners thereof not being known, or denying their ownership; Therefore,

SECT. 1. *BE it enacted by the senate and house of representatives, of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all vacant lots and pieces of ground within the city and county of Philadelphia, may be sold for the payment of all taxes due and to become due thereon, in the like manner and under the like restrictions, exceptions and provisions as unseated lands are authorized to be sold by the act, entitled "An act directing the mode of selling unseated lands for taxes, and the supplements thereto." Vacant lots may be sold for taxes. Vol. 4, p. 201, sup. vol. 5, p. 73.

Passed 28th March, 1814—Recorded in Law Book No. XIV. p. 576.

NOTE.—See ch. 3959 and 4919 for certain regulations as to the assessors and commissioners of Philadelphia county.

Collectors of county taxes may sue for taxes in their own names although the time fixed for collection has expired (ch. 5076.)

sylvania Hospital (ch. 4270,) exempted from taxation.

County property is not taxable for city or borough purposes. 4 Serg. and Rawle 384.

See ch. 4361 and notes thereto as to sale of unseated lands for taxes.

The Masonic Hall (ch. 4801) and Penn-

## CHAPTER 3982.

An act authorizing the appointment of an auctioneer for the borough of Pittsburg.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be and he is hereby authorized, to appoint and license an auctioneer for the borough of Pittsburg, to continue during his will and pleasure, and the auctioneer so appointed, before he enters upon the duties of his appointment, shall give bond to the governor, with one or more sufficient sureties, in the sum of five thousand dollars, conditioned for the faithful discharge of his duty, and for his well and truly making the payments in and by this act directed and required. To be appointed.

SECT. 2. *And be it further enacted, by the authority aforesaid,* That the said auctioneer shall have full powers within the borough of Pittsburg, to set up and expose at sale by public outcry and vendue, all and any houses, lots, lands, goods, wares and merchandize, and property of what nature or amount soever; and if any person or persons, other than the said auctioneer, or his deputy, duly authorized, shall be found selling or disposing of any goods, wares, merchandize or property whatsoever, by way of public vendue, within the borough of Pittsburg, except as is herein after excepted, such person or persons so offending, and being legally convicted thereof, before the Court of Quarter Sessions of the Peace, of the proper His powers.

1814.

county, shall for every such offence forfeit the sum of one hundred dollars to be recovered for the use of the poor of the borough aforesaid : *Provided always*, That nothing herein contained, shall extend or be construed to extend, to hinder any lawful executor or executors, administrator or administrators, to expose to sale by way of public vendue, any houses, lots, lands, tenements, goods or chattels, of their respective testators or intestates, or to hinder any sheriff, coroner constable or county treasurer, to sell and dispose of, by way of public vendue, any houses, lots, lands, tenements, goods or chattels of any kind whatsoever, taken in execution, and liable to be sold by order of law, or to hinder any sale made in virtue or by force of any distress for rent, or other cause, for which a distress is allowed by any law of this commonwealth.

To register,  
&c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said auctioneer shall keep a register of all the horses by him exposed to sale, wherein before sale, shall be inserted, the colour, size and principal marks, natural and artificial, of every horse, mare or gelding, by him so exposed to sale, the age as the intended vender shall declare it, the name or names of the person offering the same for sale, and after the sale, the name of the person to whom the same is sold, which said register is hereby declared to be so far a public record, as that every person shall be entitled to a view thereof, and a copy if demanded, paying for such inspection, the sum of twenty-five cents, and for such copy fifty cents, which copy shall be read in evidence on any trial respecting the property of such horse, mare or gelding.

Compensa-  
tion.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the auctioneer shall have and receive for his expense and trouble of selling, any property at public auction, collecting the money, and paying the same without loss, the following allowance, and no more : *that is to say*, for houses, lands, tenements or real estate, half per centum ; for wine, rum, brandy, sugars, coffee, tea and all other groceries sold by the pipe, hogshead, barrel, bag, chest or box or smaller quantities, one and a fourth per centum ; and all other goods, wares and merchandize not before enumerated, two per centum ; for the sale of any horse, mare or gelding not more than one dollar exclusive of the pay of a crier : *Provided*, That any person or persons, may contract and agree with the said auctioneer, to pay him for his services, in the premises, any less sum which he may be willing to accept.

Additional  
allowance.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said auctioneer is hereby authorized, empowered and required, to demand and receive, over and above the sum mentioned, in the preceding section, an addition on the gross amount of the sales by him made, in pursuance of this act, for the use of the commonwealth, on the following articles : *to wit*, on goods, wares and merchandize, wines, rum, brandy, sugars, coffee, tea and all other groceries, one per centum : *Provided*, That all goods, wares, merchandize, liquors and groceries, that is of the growth or manufacture of the United States, the owner or owners thereof, shall be bound to pay only one half per centum, on the gross amount thereof.

SECT. 6. *And be it further enacted by the authority aforesaid*,

That the said auctioneer shall annually in the month of November, 1814. exhibit and render, (on oath or affirmation, taken before some judge or justice of the peace) to the state treasurer, the amount of all the effects and property from which the estate is entitled to receive a revenue, and by him sold at any time before the rendering the said account, and since his last settlement, and the amount found due on such settlement, shall be immediately paid into the state treasury; but if said auctioneer shall neglect or refuse to pay into the state treasury, the amount due the commonwealth, within one month after the month of November annually, the commission of said auctioneer shall from thenceforth cease and determine, and another person shall be appointed in his place, and the state treasurer shall moreover immediately proceed against such auctioneer and his sureties, for the recovery of the sum due from him to the commonwealth, in the same manner as he is authorized to do in other cases, and it is hereby made the duty of the auditor general, to report to the governor any such failure on the part of the said auctioneer. To make annual exhibits of his accounts, &c. Penalty.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any auctioneer, appointed as aforesaid, or any person for him, shall purchase on account, or for the use of such auctioneer, at his auction, any goods, wares or merchandize, and the same be proved on the oath or affirmation of two or more credible witnesses in the Court of Quarter Sessions of Allegheny county, such auctioneer shall forfeit and pay five hundred dollars, one half for the use of the commonwealth, and the other for the use of the borough of Pittsburg aforesaid. Penalty for purchasing any goods at sales.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 581.

NOTE—For a general reference to the laws on the subject of Auctions, &c. see vol. 1, p. 510, and ch. 5077.

## CHAPTER 3923.

An act relating to certain lands in Claverack township, late in the county of Luzerne, now in the county of Bradford

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 584.

NOTE—The court met at Harrisburg on the 21st June, 1814, in pursuance of the directions of this act. They decided that the plaintiffs, John Shepperd and Benjamin Dorance, were entitled to a patent for the lands comprised in the commissioners' certificate, and that an accurate survey should be made thereof, comprehending the courses and distances of the several islands returned, previous to the final decree. On the 13th March, 1815, the legislature by a resolution directed the re-survey. On the 3d June, 1816, the court having examined the return, made a decree which was approved by both parties. 1 Serg. and Rawle, 1.

## CHAPTER 3984.

A supplement to an act erecting parts of Northumberland county into separate counties to be called Union and Columbia. [Ch. 3707, sup. 4066, 4103.]

### SECT. 1. [OBSOLETE.]

SECT. 2. *And be it further enacted by the authority aforesaid,* That all the acts of the clerk of the Orphans' Court, register of wills and recorder of deeds of Union county, are hereby confirmed Acts of clerk of Orphans' court, Register.

1814. and made valid, so that no objection shall be taken thereto for want of jurisdiction; and the estates of all testators and intestates who died within the limits now composing Union county, and which have not been already settled or progressed in, shall be settled before the proper officers of said county; *Provided*, That nothing herein shall affect any case or the settlement of any estate now pending in any court of Northumberland county.

ter and Re-  
corder, con-  
firmed.

The act to  
extend to Co-  
lumbia and  
Northumber-  
land.

SECT. 3 *And be it further enacted by the authority aforesaid*, That all the provisions contained herein, and all the duties enjoined in this act, shall in like manner apply and extend to the counties of Columbia and Northumberland and the several officers thereof.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 585.

NOTE. The courts of Union county directed to be held at New Berlin, and county officers directed to remove thither, (ch. 4066.)

Northumberland, Union and Columbia erected into a district, to establish one bank to be called the Northumberland,

Union and Columbia Bank, (ch. 3902.)

Number of taxables 1821, Union 3620,

No slaves or persons deaf and dumb.

Columbia 3459, 2 slaves and 14 deaf and

dumb persons.

See ch. 3707, and notes thereto.

## CHAPTER 3988.

An act to prohibit the sale of land for taxes, the property of the commonwealth, or on which the state has a lien, and for other purposes.

[See vol. 4, p.  
201.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That it shall not be lawful for the commissioners of any county within this commonwealth, to sell for taxes, within two years from and after the passing of this act, any land, late the property of John Nicholson, and which was purchased in for the use of the commonwealth, by the commissioners who were authorized for that purpose; or any lands of Peter Baynton, upon which the state has a lien; a list of which lands shall be immediately furnished to the commissioners of the respective counties where such lands may lie, by the secretary of the commonwealth.

Certain lands  
of the state  
not to be sold  
for taxes.

Duty of the  
Secretary of  
the Common-  
wealth.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the secretary of the land office and surveyor general, be and they are hereby authorized, on application to them made for that purpose, to sell by separate tracts any lands, late the property of John Nicholson, which have been purchased in for the use of the commonwealth as aforesaid, on such terms, conditions, and for such price as they may be able to ascertain will be just and reasonable; and shall take bonds for the purchase money, with one or more sufficient sureties and warrant of attorney to confess judgment, payable to the state treasurer for the use of the commonwealth, either at one period, or by instalments; but no payment shall be deferred longer than four years from the date of the purchase, which bonds shall be deposited in the state treasury, and a list thereof furnished to the auditor general, and a copy of the contract or agreement for the sale of any such land, shall be filed in the office of the secretary of the commonwealth: *Provided*, That where any person or persons have settled on any tract of land prior to the passing of this act, the

Duty of the  
Secretary of  
the land of-  
fice, &c. to  
sell certain  
land.

And take  
bonds for the  
purchase mo-  
ney.

Provisd.





said person or persons, shall have a preference to the purchaser thereof, if the said person or persons shall apply for the same, at any time before the first day of January, one thousand eight hundred and sixteen, and in fixing a price for any improved tract of land, where the same is sold to the settler or his legal representative, the improvements made on the land shall not be taken into consideration.

SECT. 3. *And be it further enacted by the authority aforesaid,* That whenever any bond taken as aforesaid from any purchaser or purchasers, or the instalments thereof shall become due, the state treasurer shall proceed to recover the same, and the necessary expenses thereof shall be paid out of the treasury of the commonwealth, and a copy of the bond and warrant of attorney certified by the state treasurer, shall be as competent evidence thereof as if the bond and warrant of attorney were produced. Duty of the State treasurer to recover purchase money.

SECT. 4. *And be it further enacted by the authority aforesaid,* That as soon as the amount of any bond given as aforesaid, shall have been paid, the state treasurer shall certify the same to the secretary of the commonwealth, who shall thereupon be authorized and required by deed under his hand and the seal of the state, to convey the tract or tracts of land, in consideration of which such bond was given to the proper purchaser or purchasers thereof, which conveyance shall pass the estate that the commonwealth derived from the late John Nicholson as aforesaid. Secretary of the commonwealth to make out deeds, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the secretary of the Land Office be and he is hereby required to furnish to the legislature, at the commencement of each session, until the sales authorized by this act shall have been completed, a statement of the lands sold within the preceding year, specifying the counties in which they were or shall be situate, and the price for which the tracts were respectively sold. Further duty of the Secretary of the Land Office.

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 588.

## CHAPTER 3990.

An act to authorize the governor to incorporate a company to erect a toll bridge over Juniata river, at or near Millerstown, in the county of Cumberland. [See chap. 4233.]

SEC. 1. [COMMISSIONERS appointed. Form of subscription. 2. Notice to be given of the time and place of opening books. 3. As soon as 800 shares subscribed, the commissioners to certify to the governor, who to incorporate. Style, "The President, Managers and Company for erecting a bridge over Juniata river at or near Millerstown, in the county of Cumberland." 4. To have the same privileges, &c. as the company for erecting a bridge over the Allegheny river opposite Pittsburg, (Vol. 5, 159.)]

Passed 28th March, 1814 —Recorded in Law Book No. XIV. p. 591.

NOTE.—The Commissioners are authorized to open books and receive subscriptions on or before the 1st of June, 1816, (ch. 4233.)

## CHAPTER 3991.

1814.

[Vol. 5, p.  
223.]

A supplement to the act incorporating the president, managers and company of the Anderson's ferry and York turnpike road.

SECT. 1. [ADDITIONAL commissioners appointed. 2. Route changed to intersect the Susquehanna and York borough turnpike at such point as the company may think best. 3. Road to be commenced in three and completed in seven years from the ensuing first of May.]

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 593.

## CHAPTER 3994.

An act establishing a Fee bill.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the fees of the several officers throughout this commonwealth, shall from and after the first day of September next, be as the same are hereinafter ascertained, limited and appointed, viz. the fees to be received by the secretary of the commonwealth for the use of the commonwealth shall be as follows: viz. for every marriage license, one dollar; pedlar's license to travel with one horse, ten dollars; pedlar's license to travel without a horse, four dollars; certificate with great seal, one dollar; certificate with the less seal, seventy-five cents; ditto, without a seal, thirty-seven and an half cents; taking a bond from a public officer, seventy-five cents; commission of the auditor general and land officers, inspectors of lumber, salt provisions, health officers, measurers of corn and salt, superintendant of the gun-powder magazine, sealer of dry-measures each two dollars; commission for an auctioneer, twenty dollars; commission to a prothonotary clerk of Oyer and Terminer, of Quarter Sessions, and Orphans' Court, register of wills and recorder of deeds, notary public, interpreter of foreign languages, and sheriff of a county, and writ of assistance each including the great seal, four dollars; commission for a coroner, fifty cents; every search, twelve and a half cents; copies from record for every ten words one cent: an instrument incorporating a banking company, ten cents for every thousand dollars of capital authorized thereby; for every other company, four dollars; a commission authorizing a view of a section of a turnpike road or a bridge, one dollar; license to erect a gate and take toll, fifty cents.

Secretary of  
the common-  
wealth.

Surveyor  
general.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the fees to be received by the surveyor general for the use of the commonwealth shall be as follows: viz. for every certificate of a note by a deputy surveyor operating as a caveat, twenty five cents; copy of an old warrant application or any other office right that has not been executed, directed to the deputy surveyor, fifty cents; copy of a warrant, application or single draft under seal of office, fifty cents; copy of a general draft, for each tract of land therein described, twelve and a half cents; certifying and affixing the seal of

office to the same, twenty-five cents; an extract from a general draft, for each tract of land described in the extract, twelve and a half cents; certifying and affixing the seal of office to the same, twenty-five cents, connecting separate drafts into one general draft, for each separate draft therein, twenty-five cents; certifying and affixing the seal of office to the same twenty five cents; every search, twenty five cents; every order of the board of property directed by the surveyor general to the deputy surveyor to be executed, fifty cents; an extract from the deputy surveyor's list, returns and all other extracts not above recited and relating to but one tract of land, twenty five cents; certifying and affixing the seal of office to the same, twenty-five cents; copies of all papers and documents not included in the foregoing list for every ten words, one cent.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the fees to be received by the secretary of the land office for the use of the commonwealth shall be as follows; viz. for copies of any record or paper or part thereof for every ten words, one cent; attesting ditto with the seal, twenty-five cents; entering a caveat, fifty cents; issuing a citation, fifty cents; copy of a judgment of the board of property with seal, seventy-five cents; every search, twenty five cents; order of the board of property for valuing islands, one dollar; writing certificates with the seal of office on patents when mortgages are discharged, twenty-five cents; recording application by petition or otherwise for and making order to re-survey, one dollar; entering an application or petition to the board, together with the minute thereon for any purpose other than a re-survey, fifty cents; each calculation of money due on lands where the money is not paid including searches, fifty cents; copying draughts of lots or tracts of land annexed to certificates of Connecticut claimants or others, fifty cents; for each separate, or if connected, twenty five cents for every one after the first.

SECT. 4, 5, 6, 7, 8, 9, 10, 11 and 12. [Supplied, ch. 4954.]

SECT. 13. *And be it further enacted by the authority aforesaid,* That in case of a conviction\* in any Court of Oyer and Terminer Quarter Sessions or Mayor's Court, all costs shall be paid by the party convicted, but where such party shall have been discharged according to law, without payment of costs, the same shall be paid by the county, in cases of surety of the peace the costs shall be paid by the defendant, the prosecutor or the county, as the courts may direct; in all other cases all costs shall be paid according to the laws heretofore enacted and in force.†

SECT. 14 and 15. [Supplied ch. 4954.]

\*i. e. Found guilty of the offence, not adjudged to pay costs only. 4 Serg. & Raw. 543.

† In the case of *Irwin vs. Commissioners of Northumberland* (1 Serg. and Rawle, 505.) an historical view is given by Justice Yeates of the law and practice of Penn. as to the liability of the county for costs on indictments, and what led originally to a recurrence to the county in any case. He observed that the act of 1782, (vol 1, p. 218,) subjects the county to payment of costs in one instance only, viz. to the attorney general on a bill of indictment returned *ignoramus*. Every other claim on the county rested merely on the courtesy and the practice of particular counties.

The prerogative of the crown shielded the prosecutor from costs, and this principle continued as to the commonwealth after the revolution until the act of 1804, "to regulate the payment of costs on indictments," (vol. 4, p. 204,) whereby the grand

1814.

Notaries public.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the fees to be received by the notaries public shall be as follows : viz. for protest of bill of exchange, registering seal and other service, one dollar ; attesting letter of attorney and seal, fifty cents ; notarial affidavit to an account under seal, twenty-five cents ; registering foreign sea protest, one dollar ; registering copy of each pro-

jury were empowered to decide whether the county or prosecutor ; and the petit jury, whether the county, prosecutor or defendant, shall pay the costs. Antecedently thereto, until 20th March 1797, (vol. 3, p. 281,) a defendant whether convicted or acquitted, was obliged to pay the costs and left to his remedy against the prosecutor by action of malicious prosecution.

If convicted, payment of costs formed part of the defendant's sentence. The subjecting him to costs also in cases of acquittal at first view may appear unjust. We attach to the idea of acquittal perfect innocence, and it is perhaps right, it should generally be considered so. But when we reflect, that by the common law, the defendant, though acquitted, was liable for costs, and this continued to be so until 1797, (vol. 3, p. 281,) when the county became liable, for although acquitted of actual crime the defendant's conduct was presumed to have been reprehensible, or his innocence doubtful and therefore his case is not a very hard one, when discharged on payment of costs \*. When the defendant was permitted to leave the prison, the officers looked to the sheriff for their fees. While in confinement he received a weekly allowance from the county, when therefore the costs were inconsiderable it was discovered to be more economical to advance them than to subsidize the prisoner for any length of time, hence the commissioners directed the gaoler to discharge such prisoners and paid the costs. In some counties this practice was more general than in others ; the county of York adopted it extensively, where the commissioners interfered to save the county greater expence, according to their own discretion.

The county is chargeable with the costs of prosecution in the following cases and in no others, (1 Serg. and Rawle, 505 vol. 4 p. 127 ; viz. On *ignoramus* bills, (vol. 3, p. 45, sect. 11.) On acquittals (vol. 3, p. 218.) On conviction (i. e. found guilty, 4 Serg. and Rawle, 543,) of capital offences, or when the punishment is hard labour (if the defendant has not property sufficient) vol. 3, p. 44, sect. 15. Or if a person is charged with being a runaway slave, or of having committed a crime, and such charge upon examination shall appear unfounded, (vol. 3, p. 43, sect. 13.) When the same person has been convicted of divers offences, at the same session the costs of one prosecution only is to be paid by the county, (ib.) p. 44. Also 2 Serg. & Rawle 292.

When a number of persons are charged on one indictment, costs are to be taxed as if one only charged, (vol. 4, p. 204.)

The names of all concerned to be in the indictment, and the same costs taxed as if the name of one only had been contained therein, (ib. 235.)

The sheriff is entitled to receive from the county \$1,50, on an *ignoramus* bill for an offence not capital, it is to be considered as a criminal cause. The not finding the bill does not make it less so than it was before. 3 Serg. and Rawle, 601.

In cases of conviction for capital offences, or where the punishment is hard labour the county is chargeable immediately. The act of 1791, (vol. 3, p. 44, is not repealed by that in the text, and there is no inconsistency between them. The 13th sect. of the latter is confined to cases not provided for by the 15th sect. of the former, viz. to cases where the defendant has not been sentenced to capital or hard labour punishment. Nothing short of plain and positive expressions should exempt the county from the immediate payment of costs, (the convict not having property sufficient to discharge the same,) in cases of this kind, especially as the act of 1791, declares it to be "just and reasonable that in such cases the public should be at the charge of prosecution." The county is therefore liable for the immediate payment of costs, in all cases of capital punishment, or where a defendant is sentenced to hard labour, although the latter may not have been discharged by the insolvent act.

The payment by the county, however, does not discharge the convict. He remains liable for costs, under the judgment, and the commissioners may insist upon his being held till he pays them, or is discharged under the insolvent laws. The commissioners should be consulted, therefore, by the keeper of the jail before the convict is discharged. 2 Serg. and Rawle, 291.

On *ignoramus* bills except for felony, the grand jury are to decide whether the county or prosecutor ; and on acquittal for the same offences the petit jury whether

\* 4 Serg. and Rawle 128.

test, twelve and a half cents; registering foreign bill protested with certificate, fifty cents; registering protest of a bill of exchange or promissory note for non acceptance or non payment, twenty-five cents; entering or noting sea protest, to be deducted from the legal charge, for the protest if extended, one dollar; noting a bill of exchange, note or thing properly protestable either for non acceptance

the same or the defendant, to pay the costs. The court to pass sentence and commit the prosecutor unless he gives security to pay in ten days, (vol 4 p. 204.) If the bill is "*ignoramus*," or the defendant acquitted, and the prosecutor discharged according to law without paying, the county is not chargeable. Nor if the defendant is acquitted, ordered to pay the costs, and discharged insolvent. The main object of the act (vol 4 p 204,) was to prevent the burthening of the county with costs in cases where the juries ordered payment by the parties

The term *conviction*, used in the 13th section of the act in the text, does not apply to a prosecutor or a defendant acquitted and adjudged to pay costs. He is not *convicted* unless he is *found guilty*. That is the sense in which the word is usually taken and it would be wrong to strain it in order to throw costs on the county 4 Serg and Rawle, 542

When a defendant or prosecutor is adjudged to pay costs, four dollars for the county is to be taxed, (ch. 4554.)

The prosecutor may be compelled to pay the costs, although the indictment is defective. The trouble and expence is the same to the defendant, whether the indictment be good or not. It is rather an aggravation of the prosecutors conduct that he procured an indictment for a matter which was no offence, that he used the name of the commonwealth for oppressive purposes. Why should the county be liable for the costs under such circumstances? 4 Bin 194

So also as to a defendant acquitted on a defective indictment. The principle is the same, both cases fall within the letter of the law, as in both there has been a "*prosecution*." But if there was not the term "*offence*," used in the law, it has not, like crime or misdemeanor, a technical meaning importing intrinsically the perpetration of an act punishable by the criminal law. There may be certain kinds of fraud or offences to morality but not indictable, though it is a general maxim that every thing *contra bonos mores*, is indictable. The word therefore does not, *ex vi termini*, import an act which is a crime or misdemeanor. The principle seems to be that where misconduct is imputed to either prosecutor or defendant, he becomes obnoxious to this kind of legal animadversion, although neither guilty of, or technically charged with a crime. 4 Serg and Rawle, 127.

The sheriff cannot recover from the county, fees for summoning grand and petit juries in criminal cases, and general juries in civil cases, as the law stood even prior to the act in the text. 1 Serg and Rawle 505. 4 Serg and Rawle 291.

In *Lyon vs. M'Manuss* (4 Bin. 167,) the responsibility of the parties in civil causes for the prothonotary's fees became the subject of particular consideration.

The act of 1752, allowed a fee of 2s. to the sheriff for summoning and returning a jury. The act of the 20th of April 1795, (vol 3, p. 254,) ascertained the sheriff's fees for summoning and returning a traverse jury, in each cause that is tried 40 cents, and for a struck or special jury, to be paid by the party putting off or losing the cause two dollars. But it remains to be shown by what law or practice the county became liable to costs in actions of a civil nature. The acceptance of the office on the part of the plaintiff was voluntary. The summoning and returning of juries has, time out of mind, formed an important part of the sheriff's duty. A slight alteration was introduced by the act of 4th April 1807, as to drawing the names of the jurors. But if much more heavy duties had been imposed upon him by subsequent laws for which no compensation had been provided, he must either resign his office or rest satisfied with his lot. He took the office with all its burdens, and cannot resort to the county for fees due from other persons and which possibly he may have received at least in part from those persons. 1 Serg. and Rawle 505.

Prothonotaries cannot recover from the county fees in suits brought on forfeited recognizances. At the time the suits were brought the sums received were paid into the treasury of the state, and the suits were brought in the name of the commonwealth, (4 Serg. and Rawle, 443.) By the act (ch. 4633,) fines and forfeitures are appropriated to county purposes, except on charges of tipping houses in the city and county of Philadelphia, where they are appropriated to the use of the poor thereof (ch. 4644,) and by act (ch. 5002,) it is made the duty of the clerk of the Q. S. of the county and of the Mayor's Court of the city of Philadelphia to issue without

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or non payment, thirty seven and a half cents; drawing and taking the proof of acknowledgment of a bill of sale, bottomry, mortgage or hypothecation of a vessel or charter party, one dollar; certifying power of attorney for transferring and selling stock or other securities, twenty-five cents; drawing and certifying affidavit, one dollar; each oath or affirmation twelve and a half cents; notarial procuration under seal, seventy-five cents; letter of attorney for transferring stock or other securities and certifying the same, fifty cents; drawing and taking acknowledgment or proof of substitution to a letter of attorney, one dollar; being present at demand, tender or deposit, and noting the same, fifty cents; certificates of copies ready made, fifty cents; comparing the same, for every hundred words, seven cents; certificate of sales at auction, fifty cents; taking proof of debts to be sent abroad, proof and acknowledgment of letters of attorney for receiving and transferring public securities, each fifty cents.

Register of  
wills.

SECT. 17. *And be it further enacted by the authority aforesaid,* That fees to be received by the register of wills shall be as follows; viz. for the probate of a will and letters testamentary thereon, one dollar; registering same, for ten words, one cent; letters of administration, seventy-five cents; every bond taken of executors or administrators and recording, one dollar fifty cents; filing and entering renunciation of executor or administrator, fifty cents; annexing will, for ten words, one cent; issuing citation with seal, fifty cents; entering a caveat, twenty-five cents; administering every oath or affirmation, six cents; filing list of articles appraised twenty-five cents; filing list of articles sold at vendue, twenty-five cents; examining, passing and filing the account of an executor or administrator, two dollars and fifty cents; advertising executor or administrators accounts, two dollars; advertising guardians accounts, one dollar; every copy if demanded of said account, not exceeding

costs to the city or county, such process, and perform such services as may be required in suits on forfeited recognizances, and it shall be the duty of the sheriff to execute process without cost.

The county is not liable for the costs of an attachment against a witness for contempt. The 6th section of the act in the text provides that the fees to the clerk of the Oyer and Terminer should be for all services in any prosecution, where bill is found, except subpoenas, four dollars [by act ch. 4954, three dollars,] although attachments are consequent upon subpoenas, the 26th section of the act in the text prohibits, in the strongest terms the charging or demanding of fees for services, other than those expressly provided for by this or some other act, and makes it a misdemeanor in office in any judge to allow the same. 2 Serg. and Rawle, 290.

The sheriff is not entitled to 12½ cents for every criminal cause. "Each action called in court," is to be understood of *civil* actions only. *Criminal actions* are provided for in the fee of \$1.50. 3 Serg. and Rawle, 603.

Costs are remitted by a pardon; before judgment they are not vested in the officers, and when a defendant pleads his pardon judgment ought not to be given. 4 Serg. and Rawle, 449.

A defendant in custody for costs may be discharged by the insolvent laws, vol. 3, p. 43, [repealed and supplied ch. 3926, sect. 17th which provides that any person who shall be confined until he or she restores stolen goods or pays the value, or for any fine or costs shall be entitled to the benefit of that act.]

When a person remains in prison for more than 30 days for fines and costs not exceeding 15 dollars, exclusive of costs he is to be discharged and not liable to be again imprisoned for the same (ch. 3926, sect. 18.) Under the act of 1789 (vol. 2, p. 482,) repealed by the act (ch. 3926) which contains a similar provision, it has been determined that the prisoner is entitled to his discharge both as to fine and costs. But neither are remitted, if he has property, it is liable. 6 Bin. 489.

seventy-five items with certificate and seal, one dollar; every additional item, one cent; subpœna, thirty seven and a half cents; every name after the first, six cents; holding register's court, per day, two dollars; every search when no other service is performed, for which fees are allowed, twenty cents; certificate and seal, fifty cents.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the fees to be received by the recorder of deeds in the several counties shall be as follows: viz. for recording and exemplifying deeds and other writings, for every ten words, one cent; certificate and seal, thirty seven and a half cents; every search, when no other service is performed for which fees are given, twelve and a half cents; entering satisfaction with certificate thereof, fifty cents.\*

SECT. 19. *And be it further enacted by the authority aforesaid,* That the fees to be received by the coroner of each county shall be as follows: viz. for viewing a dead body, two dollars seventy-five cents; summoning and qualifying inquest, drawing and returning inquisition, one dollar thirty seven and a half cents; summoning and qualifying each witness, twenty-five cents, to be paid out of the goods, chattels, lands or tenements of the slayer (in case of murder or man slaughter) if any he hath, otherwise by the county, with mileage from the court house to the place of viewing the body; executing any process or writs of any kind, the same fees as are allowed to the sheriff and the same mileage.†

SECT. 20 and 21. [Supplied, ch. 4954.]

SECT. 22. *And be it further enacted by the authority aforesaid,* That the fees to be received by the mayor of the city of Philadelphia shall be as follows: viz. for taking the probate or acknowledgment of writing to be sent out of the state, seventy-five cents; and the fees to be received by the recorder of the city of Philadelphia shall be as follows: viz. for affixing the city seal to writings which have been proved or acknowledged before the mayor for which service his fiat is given, seventy-five cents. [Residue of this section supplied ch. 4988.]

SECT. 23. *And be it further enacted by the authority aforesaid,* That the fees to be received by the inspector and measurer of lumber, and the inspector of staves and heading shall be as follows: viz. for inspecting and examining boards and plank according to the su-

\* The recorder of deeds and register of wills, may receive their fees when the deeds, &c. are left at their office, (ch. 4954 sect. 15.)

The Prothonotary, Register, Recorder and clerk of Orphans Court, are not entitled to be paid for office rent prior to the erection of the public buildings, nor for fuel since their erection. The act of 1790 (vol. 2, p. 521.) was made, not for the benefit of the officers, but for the public good, for the preservation of the records in which the county was interested. By that act the officers are required to keep their offices in the place established by law for holding the courts and to deposit the records in the public buildings. Before that act the officers kept their offices in buildings provided by themselves, nor was there any law by which an allowance was made to them for office rent or fuel. Inasmuch as no allowance is made by that, or any other act, either for office rent, until the buildings should be erected, or for fuel at any time, the court consider that the officers are not entitled to be paid by the county for either. 4 Serg. and Rawle 443.

† The coroner of Philadelphia County not to hold an inquest on the body of a convict or untried person who dies during confinement, except in cases of murder, suicide, manslaughter or death caused by casualty, (ch. 4767.)

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perficual measure of every thousand feet, fifty cents ; other timber reduced to cubical feet for every ton, twenty-five cents ; *one half to be paid by the buyer and the other half by the seller* ; inspecting and culling the first and second kind of shingles per thousand, twenty-five cents ; the third kind, twelve and a half cents ; inspection and culling pipe staves and hogshead heading per thousand, sixty seven cents ; all other kinds of staves and heading per thousand, fifty cents ; *in addition to which the inspector of staves and heading shall receive from the exporter of the same for every customary thousand thereof, twenty-five cents.\**

County treasurer.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the fees to be received by the county treasurers on the sale of unseated land for taxes shall be as follows : viz. for advertising each tract including printer's charge, fifty cents ; selling each tract or part thereof as the case may require, thirty seven and a half cents ; writing and signing every deed, one dollar fifty cents ; acknowledging every deed, twenty-five cents ; writing and filing every bond to secure the purchase money, twenty-five cents.

Officers to keep a table of fees.

SECT. 25. *And be it further enacted by the authority aforesaid,* That all and every the respective officers whose fees are herein before respectively ascertained, limited and appointed, shall and are hereby required to make fair tables of their fees respectively according to this act, and to publish and set up the same in their respective offices within six months after the passing of this act, in some conspicuous part for the inspection of all persons who have business in said offices, on pain of forfeiting for each day the same shall be missing through said officers neglect, the sum of ten dollars, to be recovered as debts of the same amount are recoverable, one half for the informer and the other half for the proper county.†

Penalty.

Penalty illegal fees.

SECT. 26. *And be it further enacted by the authority aforesaid,* That if any officer whatsoever shall take greater or other fees than is hereinbefore expressed and limited for any service to be done by him after the first day of September next in his office, or if any officer shall charge or demand and take any of the fees herein before ascertained where the business for which such fees are chargeable shall not have been actually done and performed, or if any officer shall charge or demand any fee for any service or services other than those expressly provided for by this act, such officer shall forfeit and pay to the party injured fifty dollars, to be recovered as debts of the same amount are recoverable ; and if the judges of any court within this commonwealth shall allow any officer under any pretence whatsoever, any fees under the denomination of compensatory fees for any services not specified in this act or some other act of assembly, it shall be considered a misdemeanor in office.‡

\* This section appears to be supplied (ch. 4988 sect. 1, and 2,) the words in italics are omitted in the latter, and therefore the section is inserted at length.

† By the 14th sect. of the act (ch. 4954,) it is enacted that officers whose fees are established by that, or the act in the text, shall keep a fair table of their fees in some conspicuous part of their offices, under the penalty of ten dollars, with double the amount of the excess if any which may have been received ; provided action be brought within six months after cause of action accrued.

‡ The subject of compensatory fees was fully considered in the case of *Irwin vs. the commissioners of Northumberland*, 1 Serg. and Rawle 505. The court were



SECT. 27. *And be it further enacted by the authority aforesaid,* 1814.  
That it shall and may be lawful for any person to refuse payment of fees to any officer who will not make out a bill of particulars as prescribed by this act, signed by him if required, and also a receipt or discharge signed by him of the fees paid. Bill. of parti-  
culars.

unanimously of opinion that the principle of charging fees *for every service performed by an officer*, whether mentioned in the table of fees, or not, could not be supported. That some compensatory fees were sanctioned by ancient usage and judicial decisions in Pennsylvania, but there were many services for which the officers had been allowed nothing, and of this they ought not to complain, because they always had the option of avoiding the trouble by resignation of the office.

The object of this 26th section is to abolish compensatory fees, to make an end of all such fees and to confine officers strictly to the fees as established by the act, and rendering the taxation of costs in different counties as uniform as possible, 1 Serg. and Rawle 505. 4 Serg. and Rawle 291.

The charge of compensatory or fees, for services not provided for by law, cannot be supported on the general principles of the common law. For although in the usual transactions of life, when one man performs services for another, at his request, the law implies a promise to pay as much money as they are reasonably worth, yet there is a very imperfect analogy between those services and such as are performed by public officers. As to the latter, in most cases the compensation is fixed by law, nor is it in the power of the party to employ any other than the officer. If the fixed compensation is more than the service is worth, the party must pay it; if less the officer must be content with it. Neither can resort to any other rule than the written law. He that accepts a public office takes it *cum onere*, it falls to the lot of almost every man to require the services of public officers. It is of very great importance therefore that every man should know what he has to pay; for if it is left to the parties to agree on the compensation, a door is opened for perpetual litigation, and there is great danger of oppression to the lower and more ignorant people. 1 Serg. and Rawle 505. Vol. 4, p. 443.

It is for this reason that a table of fees has been established, which every officer is enjoined to exhibit to public view in his office. It is impossible for human wisdom to foresee every service, which will arise. This must have been known to the legislature and therefore in framing the table, they have taken care to allow, what on the whole will render offices sufficiently lucrative, although for many services there may be no compensation at all. In the sheriff's office the commission on executions is the principal source of profit. It may happen, that many hundred dollars may be earned in a few hours. If all services were paid on the same scale, the burden on suitors would be intolerable. But that not being the case the officer may be supposed, on the whole, to receive a reasonable payment for each service, although for many he receives nothing. It appears to me therefore, that the fee bill was intended to enumerate all the services, for which the officer would be entitled to receive pay; and, if so, the law will imply no promise to pay for any other services. 1 Serg. and Rawle 505. 4 Serg. and Rawle 443. Vol. 1, p. 505.

In the case of *Levy vs. the commissioners of Northumberland* (4 Serg. and Rawle 291,) a suit for fees on account of official services to the county. The court decided that, before the act in the text, it had been the practice sanctioned by the decisions of the Supreme Court, and in all the courts of Pennsylvania (per Yeates Justice 1 Serg. and Rawle 507,) for officers to charge for services for which the existing fee bill made no allowance. The Court of Common Pleas were of opinion, in this case that, since the act in the text, no such fees could be allowed even for services performed before its passage. On a writ of error the C. Justice, in delivering the opinion of the court, observed that, without expressing any opinion as to the allowance for services performed before the act, the court were to decide whether they were taken away by that act. To take away by retrospect what a man had earned, under the existing law, seems so contrary to justice that a law shall never be so construed unless the intention is clearly expressed. Now, so far is the act of 1814, from clearly expressing such an intention, that the contrary plainly appears. The words are "if any officer whatever shall take greater fees than are herein expressed, *for any service done by him after the 1st September next*, or if any officer shall charge, &c." repeating the words of the section.

The object of the section is, to make an end of all compensatory fees for services performed after the 1st of September 1814. When it is said, that the officers shall not take greater or other fees, than are in the said act expressed, for services to be

1814. SECT. 28. *And be it further enacted by the authority aforesaid,*  
 ~~~~~ That "An act establishing an explicit fee bill," passed the twenty-  
 Repeal. tieth day of April, one thousand seven hundred and ninety-five, ex-
 Vol 3, p. 49. cept the fifth section thereof, and "An act for regulating the fees
 in the office of the surveyor general of this commonwealth," passed
 Vol. 3, p. 378. the eighth day of April, one thousand seven hundred and ninety-
 nine, and the second section of "An act to alter and amend an act
 Vol. 5, p. 73. entitled an act directing the mode of selling unseated land for taxes,"
 passed the fourth day of April, one thousand eight hundred and
 Vol. 3, p. 314. nine, and "A supplement to the act establishing an explicit fee bill,"
 passed sixteenth day of March, one thousand seven hundred and
 Vol. 3, p. 435. ninety-eight, and "An act to extend the act entitled a supplement
 to an act for establishing an explicit fee bill," passed the fifteenth day
 Vol. 5, p. 147. of March, one thousand eight hundred, and "A further supplement
 to the act entitled an act to prevent the exportation of bad and un-
 merchantable staves, heading boards and timber," passed the twenty-
 tieth day of March one thousand eight hundred and ten, shall be
 and the same are hereby repealed from and after the first day of
 September next.

Passed 28th March, 1814.—Recorded in Law Book No. XV. p. 1.

NOTE.—See ch. 4954 and notes thereto.

CHAPTER 3995.

[Vol. 3, p. 130] A further supplement to the act entitled, "An act to incorporate the district of Southwark."

Compensa-
 tion wood
 corders, to be
 fixed by com-
 missioners.
 SECT. 1. *BE it enacted by the senate and house of representa-
 tives of the commonwealth of Pennsylvania, in general assembly
 met, and it is hereby enacted by the authority of the same, That
 from and after the first Monday of May next the commissioners
 and inhabitants of the district of Southwark shall have full power
 to affix such compensation to be received for the inspecting and cord-
 ing of wood as they shall from time to time deem just and reasonable,
 any law or usage to the contrary notwithstanding.*

Passed 28th March 1814.—Recorded in Law Book No. XV. p. 26.

NOTE.—See ch. 3742 and 4248, and notes thereto.

done after the 1st Sept. 1814, it is plainly implied, that, for services done before that day, they may take such fees as were allowed by law at the time of the passing of the act. And in order to give sense and consistency to the whole section, these words, "*for services to be done after the 1st September, 1814,*" are to be understood throughout. Any other construction would make monstrous absurdity. With regard to that part, which relates to the judges, for instance, it cannot be supposed, that they are not to allow those fees, which the officer may lawfully charge. But to say that the officer is to be governed by the new fee bill, only as far as respects services done after the 1st September 1814, and yet that a judge, in taxing the officers costs, must look only to that fee bill (so far as respects compensatory fees,) for services performed before 1st September 1814, would be in effect, to permit the officer to charge his fees by one law, and yet deprive him of those fees, by compelling the judge to tax them by another. This is too great injustice, and too great absurdity to impute to the legislature, even, if the words were doubtful. But they are plain enough. The charging of the fees by the officer, and the allowance by the judge, must be referred to the same object, viz. fees for services performed, after the 1st September 1814. The words *or some other act of assembly*, towards the end of the section, are to be understood of other acts, which should be thereafter made.

ACTS

OF THE

General Assembly of Pennsylvania,

Passed at a session which commenced on the 6th day of December, 1814, and ended the 13th March, 1815.

SIMON SNYDER, GOVERNOR.

JOHN TOD, SPEAKER OF THE SENATE.

JACOB HOLGATE, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1815.



CHAPTER 3996.

An act, granting further time for completing the Susquehanna and Tioga turnpike road.

SECT. 1. [THE limitation in the act (vol. 4, p. 340) repealed, and ten years from this act allowed for completing the road.]

Passed 28th December, 1814.—Recorded in Law Book No. XV. p. 43.

[NOTE.—The Governor to subscribe 10,400 dollars (ch. 4985, sect. 8.)

CHAPTER 3997.

An act, to extend the act, entitled “An act to revive and continue certain acts [Ch. 3605.] therein mentioned, relative to the patenting of land and for other purposes.”

SECT. 1. [CONTINUES the act of the 22d December 1812, (ch. 3605,) and those contained therein, viz. of the 21st February 1810, (vol. 5, p. 94,) 1st March, 1811* (vol. 5, p. 198.) Except the 4th sect. 2d April 1804 (vol. 4, p. 185,) and the 3d and 4th sections of the act 23d January 1811† (vol. 5, p. 189.)

SECT. 2. [Continues the act of 16th February, 1813, (ch. 3651) until the 1st January, 1816.]

Passed 28d December, 1814.—Recorded in Law Book No. XV. p. 44.

* This act was further continued until the 1st November, 1817, (ch. 4251) again continued (ch. 4620,) until 1st April, 1819, and again until 1st April, 1822, (ch. 4795.)

† The 4th sect. of the act of 22d December, 1812 (ch. 3605) which had re-enacted the 3d and 4th sects. of the act of 23d January 1811, (vol. 5, p. 189,) was repealed, (ch. 3651.) The 3d and 4th sections of the act 23d January 1812, (vol. 5, p. 189,) repealed (ch. 4139.) See (ch. 4605 and 4856, and notes thereto.)

1814.

CHAPTER 3998.

An act vesting in certain banking institutions within this commonwealth the power of issuing small notes.

Passed 28th December, 1814.—Expired.—Recorded in Law Book No. XV. p. 45.

NOTE.—This act gave permission to the banks to issue notes under five dollars during the war with Great Britain and one year after. By act (ch. 4156,) it was extended to 1st January, 1817, and by act (ch. 4378,) to 1st October, 1817. See (ch. 3902,) and notes thereto.

CHAPTER 3999.

[Vol. 3, p. 6.] A further supplement to the act entitled “An act to enable the governor to appoint notaries public, and for other purposes therein mentioned”

Certified copies of the official acts of notaries public to be received in evidence.

SECT. 1 *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the official acts, protests, and attestations of all notaries public, (acting by the authority of this commonwealth) certified according to law, under their respective hands and seals of office, may be read and received in evidence of the facts therein certified, in all suits that now are or hereafter shall be depending: Provided, That any party may be permitted to contradict, by other evidence, any such certificate.*

Passed 2d January, 1815.—Recorded in Law Book No. XV. p. 45.

NOTE.—See ch. 3945, and notes thereto. Notaries fees prescribed, (ch. 3994, sect. 16.)

CHAPTER 4003.

An act to incorporate the town of Brownsville, in the county of Fayette.

SECT. 1. [ERECTED into a borough. Its bounds. 2. Electors qualified to vote for members of assembly resident six months in the borough. Where elections to be held. A chief burgess, assistant burgess and seven councilmen to be elected. Election to be held by judges inspector, and clerk previously chosen. Judges, &c. to take oath or affirmation. When two candidates are equal, the choice to be made between them by lot. Duplicate certificates to be signed. High constable to give notice to persons elected. Vacancies to be supplied by a new election. Burgess, &c. incorporated. Style, “The Chief Burgess, Assistant Burgess and Town Council of the Borough of Brownsville,” with the usual corporate privileges. Yearly value of corporate property not to exceed 5000. May have a common seal. 4. Penalty for refusing to serve when elected. Fines how collected and appropriated. 5. Officers to be sworn or affirmed. 6. Five of the council a quorum. Quarterly meetings to be held. May make by-laws, ordinances, &c. regulate streets, alleys, &c. levy taxes and appoint town clerk, treasurer, and other officers. By-laws, &c. not to be repugnant to the constitution or laws of the United States or of this state. No tax

to exceed one half per cent in the dollar on the valuation of taxable property in a year, unless for some purpose of general utility, approved of by a majority of the taxable inhabitants. 7. Chief burgess to issue his precept for collecting taxes. 8. Town clerk to attend meetings, keep the seal and records, &c. 9. Treasurer to give security. 10. Treasurer, high constable, collector and other officers to render their accounts to the council, semi-annually. Accounts to be published. 11. Court of appeal for persons aggrieved by taxes, &c. 12. High constable to give notice of elections, &c. 13. Town council to fix the salaries of the officers appointed by them. Penalty for persons refusing to act when appointed. 14. Appeal to the Common Pleas allowed to persons aggrieved.]

Passed 9th January, 1815.—Recorded in Law Book No. XV. p. 49.

CHAPTER 4007.

An act to incorporate the Manufacturing Company of Lancaster.

SECT. 1. [ASSOCIATION incorporated. Style "The Manufacturing Company of Lancaster." Clear annual income of real estate not to exceed 1000 dollars. To have a common seal. Power to make by-laws, &c. 2. Property, books, &c. of the former association vested in the company and debts assumed. 3. Capital may be increased to 500,000 dollars in 5000 shares of 100 dollars. To be applied in manufacturing, &c. Not to issue notes in the nature of bank notes nor be concerned in any business but manufacturing, and operations necessary for carrying it on. 4. Fifteen directors to manage the affairs of the company. How and when to be chosen. Notice of election. Present directors named. Apportionment of votes. No person to have more than thirty. Corporation not to be dissolved if the election is not held on the proper day. 5. Regulations as to meetings of the board. Record to be kept of their proceedings. 6. Board may appoint agents and fix their compensation. Dividends to be declared and when. Capital not to be impaired. 7. Stock transferable. 8. Board may appoint committees for the management of business. Contracts signed by the president, and attested by the seal, or by two competent witnesses, to be valid and binding on the company. 9. Majority of stockholders may demand a general statement of the funds, &c. 10. Act to continue in force twenty years. Legislature may take away the charter if the privileges be abused.]

Passed 16th January 1815.—Recorded in Law Book No. XV. p. 59.

NOTE.—The same rights, &c. as are granted by this act, vested in John Swan and others under the name of the "Conestoga Manufacturing Company of Lancaster," and all the estate, &c. of the company incorporated by the act in the text transferred to them, (ch. 4665.)

CHAPTER 4009.

An act to incorporate the Manufacturing Company of Waterford, in Susquehanna county.

SECT. 1. [ASSOCIATION incorporated by the name of "The Manufacturing Company of Waterford." Clear annual in-

1815. come of real estate not to exceed 2000 dollars. To have a common seal. Power to make by-laws, &c. not inconsistent with the laws of the U. S. or of this state. 2. Property, books, &c. of the former association vested in the company. Debts assumed. 3. Capital may be increased to 100,000 dollars in 1000 shares of 100 dollars. Funds to be applied in manufacturing, &c. Corporation not to issue bank notes nor be concerned in any business but manufacturing and the operations necessary for carrying it on. 4. Five directors to be chosen to manage the affairs of the company. How and when to be chosen. Notice of election. Present directors named. Apportionment of the votes. No person to have more than thirty. Corporation not to be dissolved if election is not held on the proper day. 5. Regulations as to meetings of the board. Majority of directors to be a quorum. Record of proceedings to be kept. 6. Directors to appoint agents and fix their compensation. Declare dividends and when. Dividends not to impair capital stock. 7. Stock to be transferable. 8. Board may appoint committees to manage business, &c. 9. A majority of the stockholders may call for a general statement of the funds. 10. Act to continue in force twenty years. Legislature may take away the charter if the privileges are abused.]

Passed 16th January, 1815.—Recorded in Law Book No. XV. p. 66.

CHAPTER 4010.

[Original act A further supplement to an act, entitled "An act to erect the town of Cononsburg in the county of Washington, into a borough." vol. 3, p. 489.]

SECT. 1. [BOUNDARIES defined.]

Passed 16th January, 1815.—Recorded in Law Book No. XV. p. 71.

CHAPTER 4011.

An act to establish a Twelfth Judicial District.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* from and after the first Monday of July next the counties of Schuylkill, Lebanon and Dauphin shall be, and the same are hereby erected into a separate judicial district, to be called the Twelfth District; and a person of legal knowledge and integrity shall be appointed and commissioned by the governor, to be president and judge of the Courts of Common Pleas within the said district; which said president shall, after the first Monday of July next, receive the like salary, and have and execute all and singular the powers, jurisdictions and authorities of president and judge of the Court of Common Pleas, Court of Oyer and Terminer and General Jail Delivery, Orphans' Court, and justice of the Court of Quarter Sessions of the Peace, agreeably to the constitution and laws of the commonwealth.

SECT. 2. *And be it further enacted by the authority aforesaid, That* from and after the first Monday in July next, the Courts of Quarter Sessions and Common Pleas, in the said twelfth judicial

Counties composing 12th district.

President to be appointed, &c.

When courts to be held.



district, shall commence and be holden on the following days in each and every year, *to wit*: in the county of Schuylkill on the last Mondays of March, July, October and December; in the county of Lebanon, on the first Monday after the commencement of the courts in Schuylkill county, and in the county of Dauphin on the several days which have already been prescribed by law for holding the same; any law or laws to the contrary notwithstanding, [altered.]*

Extra sittings of common pleas of Lancaster county.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Court of Common Pleas for the county of Lancaster, to sit, for the dispatch of business, at least sixteen weeks in each and every year, by adjournment, at such times as they may think proper, in addition to the regular terms of the said court, which have been already directed by law.

Passed 6th February, 1815.—Recorded in Law Book No. XV. p. 72.

NOTE. Samuel D. Franks, *President* 12th district.

A District Court established in the county of Lancaster, to have jurisdiction in all cases above 300 dollars (ch. 4863.) Charles Smith, *President*.

The 13th Judicial District formed, to consist of the counties of Susquehanna, Bradford and Tioga, (ch. 4508.) Edward Herrick, *President*.

The 14th District was established to consist of the counties of Washington, Greene, Fayette and Somerset, (ch. 4570.) Thomas Baird, *President*. By the same act, the 5th Judicial District was altered and made to consist of Beaver, Butler and Allegheny.

The 15th Judicial District formed of the counties of Chester and Delaware. (ch. 4970.) Isaac Darlington, *President*.

CHAPTER 4012.

A supplement to the act entitled "An act to incorporate the Protestant Episcopal [Vol. 2, p. 421.] Church of Saint John, at Yorktown.

SECT. 1. [ELECTION for Vestrymen to be hereafter held on Easter Monday, or some day in the same week, annually.]

Passed 6th February 1815.—Recorded in Law Book No. XV. p. 73.

CHAPTER 4013.

An act for the election of a Constable in the borough of Marietta, in the county of Lancaster. [Incor. vol. 5 p. 310, see also ch. 3963 4706]

SECT. 1. [THE electors of the borough to choose two citizens annually on the third Friday in March, for the office of constable, and return their names to the Court of Quarter Sessions, the judges of which shall appoint one of them to fill the office. Constable so elected to have the same power under like penalties, as are prescribed by the general law for the election of constables. [Vol. 5, p. 161.]

Passed 6th February, 1815.—Recorded in Law Book No. XV. p. 74.

NOTE.—By act ch. 4706, further provision is made for the election of borough officers.

CHAPTER 4015.

An act to erect the town of Stroudsburg, in Northampton county, into a borough.

SECT. 1. [STROUDSBURG erected into a borough. Its bounds

* The courts in Dauphin county to be held on the last Monday in June to continue not longer than one week; on the first Monday after the second Tuesday in October, and on the second Mondays of December and March, subject to the laws relative to the existing courts, (ch. 4593.)

1815. declared. To enjoy similar privileges, under the same rules and regulations, &c. as are granted and provided for the citizens of the borough of Mercer, by act of 28th March, 1814, (ch. 3956.) Election for officers to be held at the Academy. Duties directed to be performed by the constable of Mercer in said act, to be performed by the constable of Lower Smithfield, for the time being.]

Passed 6th February, 1815.—Recorded in Law Book No. XV. p. 75.

CHAPTER 4017.

[See vol. 3, p. 6, & ch 3999] An act to enable the Governor to appoint a Notary Public in Germantown.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be, and he is hereby authorized and directed to appoint one additional notary public in the county of Philadelphia, who shall, during his continuance in office, reside in the village of Germantown.

Passed 6th February, 1815.—Recorded in Law Book No. XV. p. 77.

NOTE.—Certified copies of the official Their fees prescribed, ch. 3994, sect. acts of notaries to be received in evi 16. See notes thereto. dence, ch. 3999.

CHAPTER 4018.

An act granting to John Woodend the exclusive right to use a salt spring, which he has recently discovered in Toby's creek.

SECT. 1. [EXCLUSIVE right granted to him, his heirs, &c. Right to cease if he or they shall not within six years manufacture fifty bushels of salt from the spring, or shall cease to make salt for more than two years. May erect salt works, &c. provided they do not injure the private property of others or the navigation of the creek.

Passed 6th February, 1815.—Recorded in Law Book No. XV. p. 78.

CHAPTER 4019.

A supplement to the act, entitled "An act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That when any road, reported to be necessary, by viewers or reviewers, who shall have been appointed to lay out the same, shall have been confirmed by the court of Quarter Sessions of any county, and after confirmation, and before the same shall be opened, it shall appear to the original petitioners who applied therefor to be useless, and if opened will become burthensome, it shall be lawful for the said court, on a petition signed by at least a majority of the

[Vol. 3, p. 512]

Report after confirmation, may be dismissed on another view.

said original petitioners, who shall continue to reside within the proper county, to appoint six disinterested persons, not residing on the route of said road, to view the same, who shall be under oath or affirmation, and if five of the said persons shall view the ground on which the said road shall have been confirmed, and four of those who actually view, shall report to said court, that in their opinion the road, if opened, will be useless and burthensome, the said court are hereby authorized and directed to annul the same, their former confirmation to the contrary notwithstanding.

Passed 6th February, 1815.—Recorded in Law Book No. XV. p. 79.

NOTE.—See vol. 3, p. 512, for the original law, and in notes thereto a general reference to the laws and adjudged cases prior to 1812.

The act (vol. 4, p. 198,) provides the mode of opening streets in the Northern Liberties and Southwark, and making compensation to the owners: the same alters and supplies the original act (vol. 3, p. 512) respecting said streets; that they shall not be deemed highways before compensation is made to the owners. See also vol. 2, p. 435—vol. 5, p. 259, and ch. 3765 and the notes to the latter, as to certain streets in Southwark, for a general reference to the laws respecting those streets.

The courts of Q. S. to have concurrent jurisdiction with the justices to enforce the act vol. 3, p. 512.

The act vol. 5, p. 251, after prescribing the mode of collecting the road tax on unseated lands directs the manner in which roads on county lines are to be laid out.

By the same act a penalty not exceeding ten dollars is imposed on any supervisor who shall neglect on ten days notice to set up and keep in repair index boards directed to be set up by the 24th sect. of the act (vol. 3, p. 512.)

All roads north and west of the Ohio Allegheny and Conewango creek called state roads to be kept in repair by the supervisors of the townships as other roads (ch. 3953.)

The viewers appointed under the 21st section of the act (vol. 3, p. 512,) may change the route of a road that crosses a creek, over which a bridge is to be erected, if in their opinion and that of the county commissioners, to be approved by the court, such changes would be an improvement, and save expence in erecting a bridge, provided such alteration will not materially increase the distance or injure other roads entering in or leading out of the same. Proceeding as to compensation to be as directed by the 14th sect. of the act (vol. 3, p. 512.) Alterations to be surveyed and a map to accompany the report. (ch. 4038.)

Viewers to be sworn by a judge or justice, &c. [or if one cannot attend, one

viewer may swear another (ch. 4602,)] to perform their duty with impartiality. The order of court to contain a direction for them to be sworn, and their return to state that fact. (ib.) 3 Serg. and Rawle 210.

The Q. S. empowered to vacate any part of a state road which shall be rendered useless by turnpikes.—Proceedings to be by view, &c.; no stockholder to be a viewer, &c. (ch. 4847.)

Supervisors of Susquehanna, Bradford, Tioga, Potter, McKean, Centre, Clearfield, and Lycoming authorized with the assessors to extend the road tax not exceeding one cent in the dollar on the valuation (ch. 4873.)

Militia fines due from delinquents ordered for the defence of the state under General Mead appropriated for the improvement of the public roads in the counties where said fines may be recoverable, and the commissioners authorized to contract with persons from whom due, and to present annually a statement in detail of their proceedings to the auditors, and the same shall be audited and published with county receipts and expenditures, (ch. 4031.)

There are in Pennsylvania three different kinds of roads and highways:

1st. The great provincial roads, called in the act of 1700, the "king's highways," or "public roads," which were laid out by order of the governor and council. These were the objects of what is called concessions made by the proprietor in 1681, and for which the six per cent. was fixed as the permanent quantity to be added to every grant for the purpose of contributing to the establishing roads.

2d. The roads or cartways, leading to such great provincial roads, laid out by order of court on return of viewers.

It was not for the great roads only that the purchasers having the allowance of six per cent. were to contribute, as but few of such roads were necessary, but as by the law of 1700, although a compensation is to be made for the improved land through which the road passes, yet as to the wood or unimproved land, there is no compensation evidently contemplating their liability to contribute on account of

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the additional six per cent. although there might be a chance that certain purchasers might be obliged to contribute more, yet it might have been foreseen that scarce an instance, without an equivalent, likewise accruing to the purchaser from the vicinity of such roads to their buildings and improvements.

Such parts of these roads as run through any man's improved grounds were to be paid for out of the county stock.

The 3d kind were called private roads, likewise laid out by order of court, on the application of any person for a road to be laid out to or from their plantations, dwelling places to or from the highways. The improved grounds through which these roads were to run, were directed to be paid for by those, at whose request and for whose use the same were laid out. 6 Bin. 509.

It is not requisite that a petition for a road should state whether it is a *public* or *private* road, this is to be decided by the viewers, and stated in their reports.

If an order of the sessions directs the reviewers to review the ground and places between certain points where a road is required, and if they are of opinion that a road is necessary between those points, to proceed to lay it out, and the reviewers make return that in pursuance of the said order they have viewed, laid out, and returned the following road, &c. it will be presumed that they viewed the ground and places between the points referred to in the order.

It is not necessary for viewers to state that in laying out the road they had respect to the best ground, and the shortest distance on such manner as to do least injury to private property, if they have not, it may be shown to the sessions.

Those rules of construction, which are applied to the proceedings of persons having a special or limited jurisdiction, do not apply to the proceedings of the Quarter Sessions in road causes. 4 Bin. 174.

If a petitioner acts as a reviewer, it is fatal to the proceedings. 5 Bin. 612,—1 Serg. and Rawle, 200.

No order having been taken out below, the Sup. Court sent the proceedings down to the Sessions to give them an opportunity of completing their orders by fixing the breadth of the road. 6 Bin. 36.

This can be done by the court only, it is an authority appurtenant to that of ordering the road to be opened. 1 Serg. and Rawle, 467.

So much of the 19th sect. of the act of April 6th 1802, (vol. 3, p. 519,) which directed the application for vacating a road to be twice read, and no other proceedings to be had until the second court, is repealed by the 1st section of the supplement, (vol. 5, p. 52,) which directs that

the courts of Q. S. on application to open a new or vacate an old road to proceed by view and review in like manner as practised in laying out roads &c. and by the 3d section which repeals so much of any act as is altered or supplied by the supplement. 1 Serg. and Rawle, 142.

Under the act (ch. 3656,) the draught of so much of the road from Jonestown to Wilkesbarre as passed through the county of Lebanon, was filed in the office of the clerk of the Quarter Sessions of Dauphin county. *Held* regular, and that the court of Lebanon county had a right to open a road on a certified copy.

An authority to *commissioners* under a special act, (ch. 3656,) to lay out and mark a road does not enable them to regulate its width. The 4th sect. declares that the road shall be *opened* and kept in repair as other roads, and by the act (vol. 3, p. 512,) the court are to direct the breadth of the roads laid out by their order, the power to fix the width is appurtenant to that of ordering it to be opened. The expressions in the act should not be scanned too critically. The object of candid construction is to effectuate the meaning of the law, without doing violence to its expressions. As a road cannot be opened without ascertaining its width, and as there are no persons to whom this power is *expressly* given, it is to be presumed the legislature intended the *court* should exercise it, otherwise the road could not be opened at all. If any inconvenience should result from the possibility of the courts in different counties ordering it to be opened of different widths, the legislature can always reduce it to an uniform width. 1 Serg. and Rawle, 487.

When the last thing done in the sessions was to quash the report of the reviewers the proceedings are not at an end and therefore a certiorari will not lie to remove them. 2 Serg. and Rawle, 419.

It is not necessary that the jury appointed to enquire what damages have been sustained by the owners of property, in consequence of opening a road, should expressly state in their report that they find no damages for persons whose claims have been laid before them, and decided upon. The jury might suppose that their silence as to these persons was tantamount to saying that they found no damages. These reports are not to be scanned with such critical nicety as proceedings at common law. The sessions are in the habit of enquiring specially on motion into all complaints on account of irregularity. It often happens that enquiry has been made, evidence heard, and objections answered in the most satisfactory manner, which do not appear on record. The court will be careful how they quash proceed-

ings, on account of *omission*. When any thing *appears against law*, the proceedings cannot stand.

A report stating certain facts and submitting to the court whether upon such facts, damages should be given or not is bad. 2 Serg. and Rawl. 277. See also 4 Bin. 174.

It is sufficient under the act vol. 4, p. 30, if the commissioners who divide a township return a draft of the new township, or such a description of the division line by natural bounds as will mark the dividing line. It need not appear in the report that the commissioners viewed the ground, that is to be presumed when they return a draft with a favourable opinion. 2 Serg. and Rawle, 402.

The legislature has a right to authorize a turnpike company to lay out public roads through the property of individuals, without making any compensation for the *soil*. The six per cent. allowed by the state being expressly granted for that purpose, 6 Bin. 509, 3 Yeates 156, 362, but in no other case have they any power. The people have not entrusted their representatives with authority to take the property of an individual without compensation. But they have given them power to do every thing which the common good requires, that is to say, to take property in cases of necessity, of which the legislature to judge, making reasonable compensation. 1 Serg. and Raw. 514.

Where several are authorized to do a *private* act, they must all join, because unless the contrary is expressed, the intent of the persons granting the authority must have been that it should be the joint act of all. When several are authorized to do an act of a public nature which requires deliberation, they all should be *convened*, because the advice and opinions of all may be useful, though they do not unite in opinion; viewers therefore appointed to lay out a road, or to adjudge damages, must all view, although a majority may decide. 5 Bin. 481.

On a *certiorari* to remove proceedings in a road cause, the court will hear evidence to show that all the viewers attended, if the record does not state the contrary, and no exception to the non-attendance of any of the viewers was taken below, (ib.)

Unless it appears on record, that the damage adjudged was done out of the county in which the proceedings were had the Supreme Court will presume it was done in the county, and that the court below had jurisdiction, (ib.)

The court may adopt either the report of the viewers or the reviewers. The view and review being only to in-

form their consciences. 3 Serg. and Rawl. 236.

The act (ch. 4038) directs that the viewers shall be sworn, and shall state in their return that they were so. When not so stated the court cannot presume that the oath was taken. 3 Serg. and Rawle 210.

The act of 1808 (vol. 4, p. 509,) respecting roads in Moyamensing, does not repeal or interfere with the general road law of vol. 3, p. 512, as respects that part of Moyamensing township which is embraced by the act of 1808, the object of which was to obtain a general plan, having those advantages of regularity and unity of design which can be obtained only by laying out at one time all the streets first deemed necessary. But afterwards others may be necessary and they can be obtained only under the general law. 4 Serg. and Rawle 166.

The court will not quash the proceedings in a road case, because one of the viewers signed the report by a different surname from that by which, through a clerical mistake, he was named in the certificate of appointment. The sessions having confirmed the report, the Sup. Court will presume that they were satisfied that the persons who signed it, were those appointed. The Sup. Court will presume in any case susceptible of presumption that the sessions have acted correctly, (ib.) and 4 Bin. 174.

In common parlance the word "street," is equivalent to "highway," therefore if the petition be for a street and the report of the viewers be of a street, the proceedings are not vitiated thereby. A substantial compliance with the act, is all that is required. (ib.)

A writ of error lies not to the sessions on an appeal by the supervisors from a summary conviction by a justice under the 12th section, act (vol. 5, p. 517,) the proceedings not being according to common law. The rule is that where a new jurisdiction is created by statute, and the court exercising it proceeds in a summary method, or in new course different from the common law, a writ of error does not lie but a *certiorari*. 5 Bin. 24.

Although the act incorporating the Chesnut Hill and Spring House turnpike company gives them power to erect bridges on all streams which cross the road, it is too broad a proposition to say that therefore they are not responsible for damages in consequence of these bridges. Admitting that they would not be responsible for damages unavoidably resulting from a bridge built in the best manner and obstructing the passage of the water no more than necessary for its proper construction, it would not follow that they would not be answerable for damages ar-

1815.

ing from a bridge so carelessly or inartificially built as to occasion no unnecessary and wanton obstruction. Whether the company would be answerable for damages occasioned by a bridge of proper construction, is a point of great importance on which the court gave no opinion. 4 Serg. and Rawle, 7.

The act (vol. 4 p. 20,) permitting the owners of lands adjoining navigable streams declared highways to erect dams and prescribing a special proceedings for

injury to the navigation, comprehends a stream declared a highway, after the passage of the act, especially if the summary remedy given to persons who sustain damage is extended by the act to streams hereafter declared highways, 3 Serg. and Rawle, 273.

For state roads, turnpikes, and creeks, declared highways, see their respective names and style of incorporation in the index.

CHAPTER 4020.

An act to authorize undertakers of public bridges, to procure materials for building said bridges.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful to and for the undertakers of public bridges within this commonwealth, their superintendants, artists and workmen of every kind, to enter into and upon any lands, tenements and enclosures, near to the places where said bridges are to be built, and to examine the ground for the purpose of opening quarries of stone, and for obtaining gravel, clay, sand and other materials necessary for the building of said bridges, and to enter with teams of any kind, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make; and first making amends for any damages that may be done, which damages shall be ascertained by the parties if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation, by three disinterested freeholders of the neighbourhood, or any two of them, to be mutually chosen, or if the owners or undertakers, or superintendants, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side, and the said undertakers or other persons by them employed, as aforesaid, after tender of the appraised value, may enter and dig, take and carry away any stone, gravel, sand or clay most conveniently situated, for the purpose of erecting and repairing said bridges.*

Passed 6th February, 1815.—Recorded in Law Book No. XV. p. 79.

NOTE—See general road law, (vol. 3, p. 512 and ch. 4019, and notes thereto) and act relative to bridges in Philadelphia county, (ch. 4782.)

CHAPTER 4021.

An act to erect Pottstown, in the county of Montgomery, into a borough.

SECT. 1. [ERECTED into a borough. Boundaries. 2. Qualification of electors. Time of holding elections. Burgess

and seven council-men to be chosen. Mode of conducting elections. When an equal number of votes are given, preference to be decided by lot. Vacancies to be supplied by a new election. 3. Incorporated. Style "The Burgess and Town-council of the Borough of Pottstown." Usual privileges. Yearly value of corporate property not to exceed 5000 dollars. To have a common seal. 4. Penalty on refusing to serve. How fines to be recovered and appropriated. 5. Officers to be sworn, &c. 6. Town council may make by-laws, &c. regulate buildings, streets, &c. levy taxes, appoint town clerk, treasurer, &c. No by-law, ordinance, &c. to be repugnant to the constitution and laws of the United States or of this state. No tax to exceed one half cent in the dollar on the valuation unless for some purpose of general utility approved of by a majority of the taxable inhabitants. 7. Burgess to issue his precept to the high constable to collect taxes, fines, &c. Town council to be a court of appeal from taxes, &c. 8. Town clerk to attend meetings, keep the records, common seal. &c. 9. Treasurer to give security. 10. Officers to render their accounts annually to the council. Accounts to be published. 11. High constable to give notice of elections. 12. Appeal given to the Quarter Sessions.]

Passed 6th February, 1815—Recorded in Law Book No. XV. p. 80.]

CHAPTER 4022.

An act to incorporate a manufacturing company at Stroudsburg, in Northampton county.

SECT. 1. [COMMISSIONERS to receive subscriptions. Form. Notice to be given of the time and place of opening books. Commissioners may adjourn. Books to be closed when 100 shares subscribed. Five dollars a share, to be paid on subscribing. 2. When 200 shares subscribed by twenty persons the commissioners to certify it to the governor who to incorporate by the name of "The Stroudsburg Manufacturing Company," with usual privileges. Capital not to be extended beyond 100,000 dollars. Instalments not to exceed five per cent on each share for thirty days. Notice to be given of the time of paying instalments. 3. Proceedings to organize the corporation. Five directors a Treasurer and Secretary to be chosen annually by ballot. Corporation not to be dissolved by neglecting to hold elections. 4. Directors to choose one of their number as president. May choose a president *pro tempore* if necessary. 5. Funds to be applied to manufacturing, &c. exclusively. 6. Stated meetings of directors to be held. A majority, a quorum. 7. Semi-annual dividends to be declared. Capital stock not to be impaired thereby. 8. Stock to be transferable. Stated meetings of the stockholders to be held annually on the first Monday of January. Special meetings may be called. 10. Company not to issue bank notes, or do any banking business. Duration limited to twenty years. The holders of three fourths of the stock may dissolve the corporation by giving four months notice. 11. Charter forfeited by misuse.]

Passed 8th February, 1815—Recorded in Law Book No. XV. p. 86.

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CHAPTER 4025.

An act to extend the boundaries of Northumberland county.

Columbia
county erect-
ed, ch. 3707]Turbit and
Chillisqua-
que annexed
to Northum-
berland.proviso, as to
taxes, militia
fines, &c.sheriffs, &c.
to continue,
&c.Part of elec-
tors of Turbit
to elect at
Milton.

SECT. 1. *BE it enacted by the senate and house 'of representa-
tives of the commonwealth of Pennsylvania, in general assembly met
and it is hereby enacted by the authority of the same, That from
and after the first day of May next, the townships of Turbit and
Chillisquaque, in the county of Columbia, be, and the same are here-
by annexed to and made part of Northumberland county : Provided,
That all taxes or arrears of taxes laid, or which have become due
within the townships aforesaid, before the passing of this act and
all sums of money due to this commonwealth for militia fines with-
in said townships, shall be collected and received as if this act had
not been passed : And provided also, That the sheriff, coroner and
other officers of the county of Columbia, other than the justices of
the peace, shall continue to exercise the duties of their respective
offices within said townships, until the business appertaining to the
duties of their offices respectively, and which shall have been com-
menced therein previous to the passing of this act, shall have been
finally settled.*

SECT. 2. *And be it further enacted by the authority aforesaid,
That that part of the township of Turbit, whose inhabitants now
elect at Washington, shall hereafter elect at Milton, and be attach-
ed to the eighth election district.*

Passed 21st February, 1815.—Recorded in Law Book No. XV. p. 94.

NOTE.—Columbia county erected (ch. 3707,) see this act and notes thereto.

CHAPTER 4026.

An act incorporating the Presbyterian congregation of the Three Ridges in the county of Washington.

SECT. 1. [INCORPORATED by the name of "The Trus-
tees of the Presbyterian congregation of the Three Ridges in the
county of Washington," with the usual privileges. Yearly value
of corporate property not to exceed 2000 dollars. 2. Qualification
of electors. 3. Trustees named. How long to continue in office.
Manner of supplying vacancies. Trustees may make by-laws, &c.

Passed 21st February 1815.—Recorded in Law Book No. XV. p. 95.

CHAPTER 4028.

An act to authorize Hugh Moore, James Herrington and Samuel Evans, to erect a toll bridge over French creek at the place usually known by the name of "Evans' Ferry," in Mercer county.

SECT. 1. [AUTHORISED to erect a bridge over French
creek at Evans' ferry, in Mercer county. When erected, vested in
them. Rates of toll—not to be demanded from any person attend-
ing funerals, divine worship, militia men, children going to and re-
turning from school, or persons attending general or township

elections. If tolls produce a dividend of more than ten per cent. to be reduced to produce that amount. 2. Work to commence in four and completed in seven years.]

SECT. 3. *And be it further enacted by the authority aforesaid,* That if the said Hugh Moore, James Herrington and Samuel Evans, their successors or assigns, shall neglect to keep the said bridge in good and perfect order and repair, so as to render it dangerous or difficult for travellers and others to cross the same, for the space of one week, and information thereof shall be given to any justice of the peace of the county, such justice shall issue his precept, directed to any constable, commanding him to summon three judicious freeholders, to meet at a certain time in the said precept to be mentioned, at the said bridge, of which said meeting reasonable notice shall be given to the owners or their agent or some one of them, and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said bridge is in good and perfect order and repair as aforesaid; and if on such enquiry, the said bridge shall be found by the said inquisition, not to be in good order and repair, according to the true intent and meaning of this act, he, the said justice, shall certify the same, and send a copy of the inquisition to the said Hugh Moore, James Herrington and Samuel Evans, their successors or assigns, or their agent, or to some one of them, and from thenceforth the said tolls hereby granted, shall cease to be demanded, paid or collected, until the defective part or parts of the said bridge shall be put in good and perfect order and repair as aforesaid.

Penalty for
not keeping
in repair.

Proceedings.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks belonging to the said bridge or breakers, or shall remove any piece or pieces of timber, from off the said bridge, or any stone or stones or other materials belonging in anywise to the said bridge or breakers, or otherwise voluntarily damage the same, he, she or they so offending shall, on conviction thereof, forfeit and pay for every such offence, over and above the damages done to the said bridge or breakers, the sum of twenty dollars, to be recovered in the same manner as debts not exceeding one hundred dollars are by law recoverable, with costs of suit, for the use of the owner or owners of the said bridge at the time the offence shall have been committed.

Penalty inju-
ring the
bridge.

SECT. 5. *And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall extend to authorize the said Hugh Moore, James Herrington and Samuel Evans, or any person whatever, to erect a bridge in the manner in this act before mentioned, so as to interfere in any way with, stop, injure or interrupt the navigation of the said creek, to prevent boats from crossing or persons from fording the same.

Navigation of
the creek not
to be injured.

Passed 21st February, 1815.—Recorded in Law Book No. XV. p. 97.

CHAPTER 4030.

1815.

[Columbia
erected, ch.
3707.

An act appointing commissioners to run and mark a line dividing the counties of Columbia and Luzerne.

Luzerne vol.
2, p. 386.]

Commission-
ers to mark
the bounda-
ry.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Samuel Webb, junior, of the county of Columbia, and Alexander Jameson and Abiel Fellows, of the county of Luzerne, be and they are hereby appointed commissioners for the purpose of running and marking a line beginning at the south-west corner of Salem township, and from thence to continue on the west line of said township to the north-west corner thereof; thence to the south-west corner of Huntingdon township; thence to run on the west line of said township, to the north-west corner of the same, and from thence to strike by a direct line, the corner boundary of Lycoming county, which divides it from Luzerne; which line, when run and marked, shall be the boundary line dividing the county of Luzerne from the county of Columbia.

Their duty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, or any two of them, on or before the first day of August next, to survey and mark said line, agreeably to the provisions of the foregoing section, and make duplicate drafts of the same, inserting thereon the courses and distances in words at full length; one of which drafts they shall deposit in each of the prothonotaries' offices of the aforesaid counties, which shall thereafter be considered a public record, [residue obsolete.]

Passed 21st February, 1815.—Recorded in Law Book No. XV. p. 101.

NOTE.—See ch. 3707 and notes thereto.

CHAPTER 4033.

[Vol. 4, p.
300.]

An act extending an act, entitled “An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city and county of Philadelphia,” to the borough of Marietta, in the county of Lancaster, and the borough of Harrisburg, in the county of Dauphin.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from the passage hereof, the act entitled “An act securing to mechanics and others, payment for their labor and materials in erecting any house or other building within the city and county of Philadelphia,” passed March the seventeenth, eighteen hundred and six, with its supplement, passed the twenty-eighth day of March, eighteen hundred and eight, shall be, and the same are hereby declared to be in full force and operation in the borough of Marietta, in the county of Lancaster, and the borough of Harrisburg, in the county of Dauphin, and mechanics and others in the said boroughs respectively, shall have like remedy under the said acts, as though they were herein enacted at full length.

[Vol. 4, p.
308.]

Passed 1st March, 1815.—Recorded in Law Book, No. XV. p. 104.

NOTE.—See ch. 4967, and notes thereto.

An act authorizing the governor to incorporate the president, managers and company of the Smithfield turnpike road.

SECT. 1. [COMMISSIONERS to receive subscriptions—Form. Price of shares 50 dollars. Notice to be given of the time and place of opening books. Books may be transferred and adjourned on giving notice. To be closed when 400 shares subscribed. Five dollars a share to be paid on subscribing. 2. Road to commence near Pimple hill, to Stroudsburg, through Dutotsburg to Henry Dills's in Upper Mount Bethel. 3. Letters patent to issue when 150 shares are subscribed by twenty persons. Style, "The President, Managers and company of the Smithfield turnpike road." Usual privileges. 4. Proceedings to organize the corporation. A president, six managers and a treasurer to be chosen by ballot. Power to make by-laws not inconsistent with the laws of the United States and of this state. Similar privileges as are enjoyed, &c. by the Easton and Wilkesbarre Turnpike Company, (vol. 4, p. 7.) Road not to be more than 12 feet wide, where it passes through the solid rock. No toll to be demanded of any person passing from one part of his farm to another, or to or from any place of worship, funeral, mill, school, election or training. Road to be commenced in four and ended in ten years. 5. Tolls may be taken when five miles are completed.]

Passed 1st March, 1815.—Recorded in Law Book No. XV. p. 105.

CHAPTER 4036.

An act to erect Kutztown, in the county of Berks, into a borough.

SECT. 1. [KUTZTOWN erected into a borough. Its boundaries defined. 2. Qualification of electors. When and where elections to be held. Chief burgess, assistant burgess and seven town council men to be elected. Mode of conducting the election. When two candidates have an equal number of votes the preference to be decided by lot. Vacancies to be supplied by new elections. 3. Burgesses, &c. incorporated by the name of the "Chief burgess, assistant burgess and town council of the borough of Kutztown," with the usual corporate privileges. Yearly value of corporate property not to exceed five thousand dollars. 4. Penalty on persons refusing to serve as borough officers. How to be recovered and appropriated. No person liable to serve more than one year in four. 5. Officers to be sworn or affirmed. 6. Town council to meet quarterly. Five to be a quorum. May make by-laws and ordinances, regulate highways, buildings, &c. levy taxes, and appoint a town clerk, treasurer and other officers. By-laws, &c. not to be repugnant to the laws of the United States or of this state. Taxes not to exceed one half per cent in a year, unless for some purpose of general utility, approved by a majority of the taxable inhabitants. 7. Burgess or his assistant to issue his precept for the collection of taxes, fines, &c. 8. Town clerk to attend meetings, keep the records and common seal, &c. 9. Treasurer to give security. 10. Officers to render their accounts annually to the town council. Accounts to be published. 11. Court of Appeal from taxes, &c. 12.

1815. High constable to give notice of elections. 13. Town council to fix the salaries of officers, &c. Penalty upon persons refusing to serve when appointed by the council. No one obliged to serve more than one year in three. 14. Persons aggrieved may appeal to the Common Pleas.]

Passed 1st March, 1815.—Recorded in Law Book No. XV. p. 110.

CHAPTER 4038.

A further supplement to the act, entitled “An act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads.”

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That from and after the first Monday of September next, it shall and may be lawful for the viewers appointed by any Court of Quarter Sessions, under the authority given by the twenty-first section of the act to which this is a supplement, to change the route of a road crossing any river, creek or rivulet, over which a bridge is intended to be erected, if in the opinion of the viewers, together with the county commissioners, or a majority of them, to be approved by the court, such change or varying the [bed*] of the road would be an improvement and saving of expenses in the erection of the bridge: Provided, Such alteration in the route, will not materially increase the distance of the road, nor injure or materially increase the distance of other roads entering into or leading out of the same; and the like proceeding shall be had in compensating the owners of the land through which the said road passes, as is provided for by the fourteenth section of the act to which this is a supplement.*

Viewers may change route of road, &c.

Variation to be surveyed.

SECT. 2. *And be it further enacted by the authority aforesaid, That in every case where an alteration shall be made in the route of a road for the purpose of obtaining a better scite for the erection of a bridge as aforesaid, it shall be the duty of the viewers to cause the variation to be accurately surveyed, and a map or plot thereof to be made, which shall accompany their report.*

Viewers to be sworn, &c.

SECT. 3. *And be it further enacted by the authority aforesaid, That all viewers, whether for roads or scites for bridges, appointed by any Court of Quarter Sessions, after the first Monday of September next, shall, before they enter upon the duties assigned them, take an oath or affirmation before some judge, alderman or justice of the peace, that they will perform the duties of their appointment with impartiality and fidelity, and shall state in their return that they were sworn or affirmed; and it shall be the duty of the clerk of the Court of Quarter Sessions, from which such order of view shall be issued, to direct therein that the viewers thereby appointed shall, before they enter on their duties, be respectively sworn or affirmed.*

Passed 1st March, 1815.—Recorded in Law Book No. XV. p. 118.

NOTE.—If it is not stated in the report, that the oath was taken. 3 Serg. and that the viewers were sworn, it would Rawle, 210.
be too much for the court to presume See ch 4019 and notes thereto.

* Omitted in the original.

CHAPTER 4039.

1815.

A supplement to the act, entitled "An act to enable the governor to incorporate a company to make an artificial road beginning at the end of the Little Conestoga turnpike road, in the county of Berks, thence through Morgantown and Churchtown to the Blue Ball tavern in Lancaster county. [Ch. 3851.]

SECT. 1. [WHEN 150 shares are subscribed, letters patent may issue to erect the subscribers into a body corporate. Style, "The President Managers and Company of the Morgantown, Churchtown and Blue Ball Turnpike Company," with the usual corporate privileges. Sect. 2, repeals, the 2d section of the act ch. 3851.

Passed 1st March, 1815.—Recorded in Law Book No. XV. p. 119.

NOTE.—See ch. 3851, and notes thereto.

CHAPTER 4040.

A supplement to an act, entitled "An act to regulate the fisheries in the river Susquehanna and its branches." [Vol. 4, p. 379, sup. ch. 4403.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That if at any time hereafter, the provisions contained in the first section of the act to which this is a supplement, shall be violated, by reason of the owner or owners of the shores to which a fishery is attached, or those under his or their employ or permission, drawing, or using one seine, net, driver or device for taking fish, and any other person or persons drawing or using another seine, net, driver or device as aforesaid, in the same period of twenty-four hours, in or through the same pool, then, and in every such case, the prosecution and suit authorized by the said act, shall be instituted against the offender or offenders, not being the owner or owners of such shore, or those under his or their employ or permission; and such owner or owners, and those under his or their employ or permission, shall not be liable to such prosecution or suit: *Provided,* That such owner or owners, or those under his or their employ or permission, do not themselves draw or use more than one seine within said period through the same pool.

SECT. 2. *And be it further enacted by the authority aforesaid,* That hereafter it shall not be lawful for any person or persons to cast or draw, or to direct, permit or aid the casting or drawing of any seine or net as aforesaid, in the river Susquehanna, between the Maryland line and the mouth of Swatara river, on the Monday of any week, under the penalty of one thousand dollars; nor shall it hereafter be lawful for any person or persons to cast or draw, or to direct, permit or aid the casting or drawing of any seine or net as aforesaid, in the river Susquehanna, between the mouth of Swatara river and the mouth of the Juniata river, on the Tuesday of any week, under the penalty of seven hundred and fifty dollars; nor shall it hereafter be lawful for any person or persons to cast or draw, or to direct, permit or aid, in the casting or drawing of any seine or net as aforesaid, in the river of Susquehanna, between the mouth of the Juniata river and the forks of the aforesaid river, near the town of

Two seines &c. not to be drawn thro' the same pool in the same period of 24 hours.

No seine to be drawn between the Maryland line and Swatara creek, on Mondays Nor between Swatara and Juniata, on Tuesdays.

Between Juniata & forks near Northumberland, on Wednesday.

1815. Northumberland, on the Wednesday of any week, under the penalty of five hundred dollars; nor shall it hereafter be lawful for any person or persons to cast or draw, or to direct, permit or aid in the casting or drawing of any seine or net as aforesaid, in the north branch of the river Susquehanna, between the town of Northumberland and the mouth of Nescopeck creek, or in the west branch of the river Susquehanna, between the town of Northumberland and the Lycoming county line, or in the river Juniata, from the mouth thereof to the Mifflin county line, on the Thursday of any week, under the penalty of three hundred dollars.*

Between Northumberland & Nescopeck. Between Northumberland & Lycoming, or in Juniata from mouth to Mifflin.

Mode of recovery.

Suits not to be discontinued, &c.

Repealed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the prosecutions authorized by this act, or the act to which this is a supplement, may be instituted in the county wherein the offender or offenders may be apprehended, and every offender against any of the directions of this act, or the act to which this is supplementary, shall forfeit a sum not exceeding four hundred dollars, nor less than two hundred dollars, (excepting the offences mentioned in the preceding section;) and all penalties hereafter recovered under this act, or the act to which this is a supplement, shall be paid one half to the informer, and the other half to the county treasurer, for the use of the county wherein the offence may have been committed, or where the offender shall be apprehended, to be sued for in the name of the county, stating the same as plaintiff in the suit, and recovered by action of debt, as debts of equal amount are by law sued for and recovered, and such suit shall not be discontinued, discharged or released without the consent in writing of the whole of the county commissioners; and every such suit shall be commenced within five months after the offence shall have been committed, and not after.

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered or supplied, be, and the same is hereby repealed.

Passed 1st March, 1815.—Recorded in Law Book No. XV. p. 121.

NOTE.—See (vol. 4, p. 379,) and general index to vol. 5, title fisheries

CHAPTER 4041.

An act authorizing certain persons therein named, to raise a gravel bar in the west branch of the river Susquehanna.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That*

* Time to commence at sun rise of the days above mentioned, and end at sun set the day succeeding, (ch. 4403.)

Penalty on drawing a seine, &c. between 1st of April, and 15th June in the Susquehanna, between the Maryland line and the forks near Northumberland, on the days prohibited by law, an additional penalty of 2500 dollars, (ch. 4742.) This last act repealed, so far as the same prevents the fishing with seines, and creek nets, in the Conodoguinet creek from the mouth to Letharts Spring (ch. 4903.)

Martin Updegraff, Daniel Updegraff and Samuel Updegraff, of the township of Lycoming, in the county of Lycoming, their heirs and assigns, be, and they are hereby authorized to repair the fishery opposite their land, in the west branch of the siver Susquehanna, by raising a certain gravel bar, (the remains of a former island) in the said river, three feet above its present height, and not exceeding seven perches in length, and five perches in breadth, so as to enable them to draw their seines thereon: *Provided*, They do not thereby obstruct the navigation of said river, nor interfere with the rights of others.

1815.

Passed 1st March, 1815.—Recorded in Law Book No. XV. p. 123.

CHAPTER 4042.

A supplement to the act, entitled, "An act to erect the town of Williamsport, in the county of Lycoming, into a borough." [Orig: act, vol. 4, p. 286.]

SECT. 1. [BOROUGH officers to be elected on the 3d Friday in March, subject to same regulation as directed by the act, (vol. 4, p. 286,) part of which repealed.]

Passed 1st March, 1815.—Recorded in Law Book No. XV. p. 124.

CHAPTER 4047.

At act declaring part of Broadhead's creek a public highway.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Broadhead's creek, from the mill of John Price, in Pike county, to the mouth of said creek, at Delaware river, in Northampton county, be, and the same is hereby declared a public highway for the passage of rafts, boats and vessels, and it shall and may be lawful for the inhabitants and others desirous of using the navigation of the said creek, to remove all natural and artificial obstructions which may be in the same, excepting mill dams and other water works, and also to erect such slopes at the mill dams now built in the said creek as may be necessary for the passage of rafts, boats or other vessels: *Provided*, Such slopes be so constructed as not to injure the works of said dams: *And provided*, That any person or persons owning or possessing lands on said creek, shall have liberty to construct a dam or dams across the same, agreeably and subject to all the restrictions and provisions of the act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water works."

Obstructions
may be re-
moved.

[Vol. 4, p. 20.]

Passed 1st March, 1815.—Recorded in Law Book No. XV. p. 127

CHAPTER 4050.

1815.

[Vol. 3, p.
306.]

A further supplement to an act, entitled "An act to provide for the erection of houses for the employment and support of the poor in the counties of Chester and Lancaster."

SECT. 1. [DIRECTORS of the poor authorized to sell to the manufacturing Company of Lancaster, or exchange, any quantity of land belonging to the Poor House not exceeding three acres.]

Passed 4th March, 1815.—Recorded in Law Book No. XV. p. 129.

NOTE.—See ch. 3850, and notes thereto.

CHAPTER 4051.

An act declaring a part of Big Cattawissa creek, in Luzerne county, and the south branch of Swatara creek, in Schuylkill county, and part of Beech creek, in Centre county, and part of Kittle creek, in Lycoming county, public highways.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Big Cattawissa creek in the county of Luzerne, from its confluence with Little Cattawissa creek up to Andrew Gilbert's saw-mill, and the south branch of Swatara creek, in Schuylkill county, from the mouth thereof to Jacob Capp's saw-mill, Beech creek, in the county of Centre, from its mouth up to Eddy lick, and Kittle creek, in the county of Lycoming, from its mouth up to the Second fork, be, and they are hereby respectively declared public highways for the passage of boats, rafts and vessels, under the limitations and restrictions hereinafter specified, and it shall be lawful for any person or persons desirous of improving or using the navigation of either of said creeks, to remove all natural and artificial obstructions, excepting mill dams already built, and also to erect such slopes at the mill dams already built, and keep them in repair, as may be necessary for the passage of boats, rafts and vessels, and the ascent of fish: *Provided, That* such slopes be so constructed as not to injure the works of said dams: *And provided also, That* any person owning or possessing lands on said creeks respectively, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled, "An act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other water works."

Vol. 4, p. 20.

Passed 4th March, 1815.—Recorded in Law Book No. XV. p. 129.

CHAPTER 4052.

An act to erect the town of Hanover, in the county of York, into a borough.

SECT. 1. [ERECTED into a borough. Limits. 2. Qualification of electors. Time and place of holding elections. A burgess,

[Sup. ch.
4131.]

seven town-council men, and a high constable to be chosen. Mode of conducting elections. When two or more have an equal number of votes, preference to be determined by lot. Persons elected to have notice. Vacancies to be supplied by new elections. 3. Style, of incorporation. "The Burgess and Town council of the Borough of Hanover," usual privileges. Corporate property not to exceed the yearly value of 5000 dollars. 4. Penalty on persons refusing to serve when elected. How to be recovered and appropriated. 5. Officers to take an oath or affirmation, (not liable to serve more than one year in five, ch. 4131.) 6. Town council may make by-laws and ordinances, &c. assess taxes and appoint inferior officers. No by-law, &c. to be repugnant to the laws of the United States or of this state. Tax not to exceed one half cent in the dollar of the valuation in any one year, unless for some object of general utility, approved by a majority of the taxable inhabitants. 7. Burgess to issue his precept to the high constable to collect taxes, &c. Appeal as to amount of tax to town council. 8. Town clerk to attend meetings, keep seal and records, &c. 9. Treasurer to give security. 10. Officers to submit their accounts annually to the council. 11. High constable to give notice of elections. 12. Parties aggrieved by any thing done in pursuance of this act may appeal to the Common Pleas.]

Passed 4th March, 1815.—Recorded in Law Book No. XV. p. 133.

CHAPTER 4056.

An act to incorporate the Penn's Manor Meadow Company in the county of Bucks.


SECT. 1. [ASSOCIATION incorporated. Style, "The Penn's Manor Meadow Company." 2. Proportion of expenses to be paid by members. Company to meet on the second Saturday of January annually. 4. Three trustees to be chosen annually by ballot. Accounts to be examined. By-laws may be made, &c. 5. Ditch to be dug and kept in repair through the main branches of the marsh, &c. Trustees may sue delinquent members. 6. Act to continue in force forty years.]

Passed 4th March, 1815.—Recorded in Law Book No. XV. p. 141.

CHAPTER 4057.

An act to authorize the Governor to incorporate a company to make a lock navigation on the river Schuylkill. [Sup. ch. 4158, 4930.]

SECT. 1. [COMMISSIONERS appointed to procure books and receive subscriptions. Form of subscription. Price of shares fifty dollars. Notice to be given of the times and places of opening books. Commissioners may adjourn from time to time and transfer the books from place to place. Books to be closed when ten thousand shares are subscribed. Five dollars a share to be paid on subscribing. 2. When 2000 shares subscribed by 100 persons, commissioners to certify it to the governor who to incorporate by the name of "The President, Managers and Company of the Schuylkill Navigation Company." Usual corporate privileges given. 3. Proceedings to organize the company. A president, twelve mana-

1815.  gers, treasurer and secretary to be chosen by ballot. Company may make by-laws, &c. not inconsistent with the laws of the United States and of this state. 4. Annual meeting for electing officers and transacting business to be held on the first Monday of January. No person to have more than ten votes 5. Five managers to be a quorum with power to appoint agents, workmen, &c. and fix their wages, and perform the other duties entrusted to them. 6. Certificates of stock to be issued and be transferable. 7. Penalty for non payment of instalments. No stockholder who is in arrears, entitled to vote.]

Division of
the river, &c.

Proceeds of
water rights,
how distribu-
ted.

See ch. 4158.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall, in making their improvements, divide the river into two sections, the first whereof shall extend from Lancaster Schuylkill bridge to the borough of Reading, and the second from the borough of Reading to the mouth of Mill creek; and shall commence their improvements of the first section at or near to the lower falls, in the county of Philadelphia, and at the same time shall commence their improvements of the second section, at or near to the borough of Reading, and shall proceed upward in each section with the improvements, and it shall not be lawful for the said president, managers and company to demand, take or receive toll from any person for the passage of any boat or other craft through a lock or locks, in the first section, until a lock or locks be completed within the second section, and so to progress with similar improvements in each section, until both are finished: *Provided always,* That before the said improvements be commenced or undertaken, all the monies arising at all times from the sale, lease or rent of the water power on either of said sections, and all monies arising from the subscription of the stock of said company, shall from time to time as the same may be called in, immediately after the same is received, be equally divided by the said president and managers, and the one half thereof shall be paid by them, within twenty days after each division, into the Farmers' Bank of Reading, to be applied to the completing of the improvements of the said river from the borough of Reading up to the mouth of Mill creek, in the county of Schuylkill aforesaid, and to no other purpose whatever, and to be subject only to the draft or orders of such managers as may have the directions of the improvements of that section of the river, from the said borough of Reading to the mouth of Mill creek, and the other half of said monies to be appropriated and applied to the completing of the improvements from the Lancaster Schuylkill Bridge to the borough of Reading. *

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president, managers and

* The improvements of the upper section, to be carried on under the direction of the company, and money appropriated for the improvement of that section to be paid out in same manner as for that of the lower section, (ch. 4158.)

Company authorized to commence their improvements where they think them most required, (ib.)

Society of monies intended by the act in the text for the improvement of one section, not to be diverted to the other. As soon as an improvement is commenced on the lower section, one to be commenced on the upper. If with monies for the improvement of the two sections, more locks erected on one than on the other, commissioners may view and governor license to receive toll, (ib.)

company, their superintendants, surveyors, engineers, artists and workmen to enter upon the said river Schuylkill, to open, enlarge or deepen the same in any part or place thereof, which shall appear to them most convenient for opening, changing, making a new or improving the channel, and also to cut, break and remove and take away all trees, rocks, stones, earth, gravel, sand or other material, or any obstruction or impediment whatsoever within the said river, or to use all such timber, rocks, stones, gravel, earth or other material, in the construction of their necessary works, and to form, make, erect and set up any dams, locks or any other device whatsoever, which they shall think most fit and convenient to make a complete slack water navigation from one end thereof to the other, so as to admit a safe and easy passage for loaded boats, arks and other vessels up as well as down said river, or by means of such collateral sluices and locks as they may devise for the purpose.


1815.

Company to
enter the ri-
ver, &c.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be injured by means of any dam or dams being erected as hereinafter mentioned, or the land of any person inundated by swelling of the water, in consequence of the erecting of any dam or dams, or any mill or other water works injured by swelling the water into the tail race of any mill or other water works, which may have been erected in said river, or any stream of water emptying into the same : and if the president, managers and company cannot agree with the owner or owners thereof, on the compensation to be paid for such injury, the same proceedings shall be had as is provided in the eleventh section of this act : See ch. 4930. the persons valuing the damages being first sworn or affirmed, or the jury, as the case may be, shall take into consideration the advantages which may be derived to such owner or owners by the navigation aforesaid. Damages.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall have power and authority, by themselves or their superintendants, engineers, artists and workmen, to enter in and upon and occupy for the purpose, all land which shall be necessary and suitable for erecting of a lock, sluice or canal, doing as little damage as possible, and then to dig, construct, make and erect such lock, sluice or canal, satisfying the owner or owners thereof ; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint six suitable and judicious persons, who shall be under oath or affirmation, and who shall reside within the proper county where the land lies, or if they cannot agree on such persons, then either of the parties may apply to the Court of Common Pleas of the proper county where the land lies, and said court shall award a *venire* directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of such lock, canal or sluice passing through his, her or their land ; which report, being confirmed by the court, judgment shall be entered thereon and execution may issue in case of non-payment for the sum awarded, with reasonable costs, to be assessed by the court ; and it shall be the Company to
enter lands.

Damages

1815.  duty of the jury or the six appraisers, as the case may be, in valuing any land, to take into consideration the advantage derived to the owner or owners of the premises, from the said navigation passing through the same: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person owning land or any other property which shall be affected by this act, be *feme covert*, under age, *non compos mentis* or out of the state, then and in either of the cases, the president, managers, and company shall, within one year thereafter, represent the same to a neighboring justice of the peace, or to the Court of Common Pleas of the county, as the case may be, who shall proceed thereon in the same manner and to the same effect as is directed by this act in similar cases.*

Company
may carry
away stones,
&c.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president and managers, by and with their superintendants, engineers, artists, workmen and labourers, with their tools, instruments, carts, waggons and other carriages and beasts of draft or burden, may enter upon the lands contiguous and near to the said river, giving notice to the owners or occupiers thereof, and from thence to take and carry away any stone, gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they make in the inclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials taken away; the amount whereof, if the parties do not agree, shall be assessed and valued by any three disinterested freeholders residing in the neighborhood, under oath or affirmation, to be appointed by consent of the parties, or if they cannot agree, by any disinterested justice of the peace of the proper county, allowing an appeal to the Court of Common Pleas, as in the eleventh section of this act.

Guard walls,
&c. to be
erected.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the said president and managers shall cause the guard walls, locks, gates and canal to be erected and made at each respective situation, before the dam intended for such situation, and to which the same are to be appurtenant, shall be extended to more than one-third across the river.

When the ca-
nal crosses
roads, &c.

SECT. 14. *And be it further enacted by the authority aforesaid*, That whenever the said canal shall cross any public or private laid out road or highway, or shall divide the grounds of any person or persons into two parts, so as to require a ford or bridge to cross the same, the jury who shall enquire of the damages to be sustained in manner directed by the eleventh section of this act, shall find and ascertain whether a passage across the same shall be admitted or maintained by a ford or bridge, and on such finding, the said president, managers and company shall cause a ford to be rendered practicable, or a bridge fit for the passage of carts and waggons to be built, and for ever hereafter maintained and kept in repair, at all and every places so ascertained by the said jury, at the costs and charges of the said company; but nothing herein contained shall pre-

* See ch. 4930 regulating proceedings under this section.

vent any person from erecting and keeping in repair any foot or other bridge across the said canal, at his own exp nse, when the same shall pass through his ground : *Provided*, The same shall be of such height above the water, as shall be usual in the bridges erected by the company: *And provided also*, That such foot or other bridges, so to be erected by the owners of such land, shall not interfere with any of the locks, buildings or other works of the company.

1815.

SECT. 15. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, shall have the privilege, and be entitled to use the water power from the said river, sluices or canals, to propel such machinery as they may think proper to erect on the land which they may previously have purchased from the owner or owners, or may sell in fee simple, lease or rent for one or more years, the said water power, to any person or persons, to be used in such manner and on such terms as they may think proper: *Provided*, It be so done that it shall not at any time impede or interrupt the navigation: and shall apply the monies arising from the sale of the water power to the improvement of the navigation, or repairing of any damages that the dams or locks may have sustained.

Machinery,
&c. may be
erected.

SECT. 16. *And be it further enacted by the authority aforesaid*, That as soon as the said president, managers and company, shall have perfected one lock on each section of the said river, and so from time to time as they shall perfect one additional lock on each section of the said river they shall give notice thereof to the governor, who shall thereupon nominate and appoint three disinterested persons to view and examine that part said to be completed, and report to him in writing, under oath or affirmation, whether the said navigation is so far executed in a masterly workmanlike manner, according to the true intent and meaning of this act, and if, at any time, their report shall be in the affirmative, then the governor shall, by license under his hand and the less seal of this commonwealth, permit the said president, managers and company, or such person or persons as they shall from time to time appoint as toll collectors, or their deputies, to demand and receive of and from the persons having the charge of any boat, ark or other vessel passing through any lock erected on said river or canal, twelve and an half cents at each lock below the borough of Reading, and eight cents above that borough, upon each and every ton of the ascertained burden of such vessel: *Provided*, That if at the expiration of two years after the said work shall be completed, the tolls, together with the interest of the surplus of any money arising from the sale of water power or the rents and profits thereof, should enable the company, after paying all repairs and other necessary expenses, to divide more than nine per centum per annum on the capital stock expended, then and in such case the tolls shall be so reduced that the dividends shall not exceed nine per cent. and shall so continue for five years; and if at the expiration of that time, shall exceed fifteen per cent. they shall be so reduced as not to exceed fifteen per cent. and shall at that period be so regulated from time to time as not to exceed fifteen per cent. per annum; and if at any time after the expiration of two years from the completion of the

Viewers to
be appointed.

Proviso.

1815. said work, the nett profits aforesaid, shall not amount to nine per cent. upon the money expended, it shall be lawful to raise the said tolls so as to divide nine per cent.*

Tonnage of
vessel to be
marked
thereon.

SECT. 17. *And be it further enacted by the authority aforesaid,* That in order to ascertain the size of arks, and the tonnage of boats using and passing the said canal and lock navigation and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon the request of the owner, skipper or supercargo of such boat or ark, or of the collector of the said tolls at any lock upon the said canal and navigation, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said arks, and the tonnage the said boat is capable of carrying, and to mark the said tonnage so ascertained, in figures, upon the head and stern of the said boat, in colors mixed with oil or other durable matter, and that the said boat or vessel, so measured and marked, shall be permitted to pass through the said canal and locks for the price per ton to which the number of tons so marked on her shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner, skipper or supercargo of any ark or boat, shall decline choosing a person resident within two miles of the place where the said toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to such measurement, before any such boat or ark shall be permitted to pass the place where such toll is made payable by the said president and managers: *Provided,* That the dams or other device shall be so constructed that at least thirty feet in width in the main channel shall be twelve inches lower than any other part of such dam, so as to contract the water passing the river within that space, and the same shall be made with an even surface, and with a slope to extend down the river four feet for every foot the dam or dams shall be built in height: *Provided,* That the dams shall be at least fifteen feet in width, [so as to admit a safe passage for waggons and other carriages over the same, and the same shall be kept in repair at the proper costs and charges of the president, managers and company, as a fording place for all persons desirous of passing over the same†] and the locks directed to be made, shall be at least twenty feet [altered to 17, ch. 4158] wide and one hundred and twenty feet [altered to 80, ch. 4158] long; and at all dams where there is not made a slope convenient for the passage of rafts of timber, boards and scantling as aforesaid, such rafts of timber, boards or scantling, if they do not carry some article of merchandize, shall be permitted to pass the locks free from toll.

* So much of this act as relates to dividends and tolls repealed, and the company authorized to declare a dividend not exceeding 25 per cent; tolls to be regulated accordingly. Company, &c. to reduce tolls so that at no time hereafter shall there be demanded more than one half the tolls which they are by the act in the text authorized to receive, (ch 4930.)

† Repealed so far as to require the company to make a road upon the dams, (ch. 4158.)

SECT. 18. *And be it further enacted by the authority aforesaid,* 1815.
That the said company shall not have power to issue any note or notes in the nature of bank notes, to be indorsers on any note or notes in their corporate capacity, or to make discounts or receive deposits after the manner of any bank or banks, and in case the said company should, at any time hereafter, act contrary to the provisions contained in this section, their chartered privileges shall be null and void. Company to have no banking powers.

SECT. 19. *And be it further enacted by the authority aforesaid,*
That it shall be the duty of the master or commander of any boat, ark or other vessel navigating the said river, when they shall arrive within one-fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the keeper of such lock shall attend for the purpose of opening the gate or sluice, to let the said boat, ark or other vessel pass, without unnecessary delay and in safety; and if any boat, ark or other vessel, shall be prevented from passing up or down any of the said locks or sluices, by reason of the lock not being raised, for more than thirty minutes, the president, managers and company shall, on conviction thereof before any justice of the peace of the proper county, forfeit and pay to the person so hindered, the sum of one dollar for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time; and the service of any civil process upon the toll gatherer in the proper county, and next to the place where the offence shall have been committed, shall be held as good and available in law as if served upon the president and managers of said company. Masters of boats to notice their approach.

Penalty for not raising the sluices, &c.

SECT. 20. *And be it further enacted by the authority aforesaid,*
That if the president, managers and company shall neglect or refuse to keep in good order or repair, any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle which may occur, so that boats, arks, rafts or other vessels, may at all times safely navigate the said river, the president, managers and company shall, for every such offence, pay the sum of one hundred dollars, to be recovered in the same manner as debts of equal amount are by law made recoverable, before a justice of the peace of the proper county where the offence shall be committed, one half to the use of the informer, and the other half to the use of the poor of the township or county where the neglect may occur. Dams and locks to be kept in repair.

SECT. 21. *And be it further enacted by the authority aforesaid,*
That if any person or persons shall wilfully and knowingly, do any act or thing whereby the navigation shall be impeded, or any dam, lock, gate, canal, engine, machine or device thereunto belonging, or any machinery or property of the company shall be injured or damaged, he, she, or they so offending, shall forfeit and pay to the said company, double the damages by them sustained, together with costs, to be recovered by action of debt before a justice of the peace, or in any court of competent jurisdiction. Penalty for injuring any of the works.

SECT. 22. [Accounts of receipts and expenditures to be submitted to the stockholders at their annual meetings. Number of shares may be increased if necessary. 23. Accounts of tolls, &c. to be kept and dividends of the clear profits declared on the first Mon-

1815. days of January and July. Abstract of accounts to be laid annually before the legislature. 24. Rights of other companies [see vol. 5, p. 266, and acts there referred to] not to be impaired by this act. 25. Work to be commenced in three and finished in fifteen years, if not, rights, &c. to revert to commonwealth. Rights of individuals, holding under the company not to be affected by forfeiture of the charter. Individuals in such cases, required to keep dams, &c. in repair. 26. Rights hereby granted to be forfeited if abused. [Company not authorized to purchase land containing coal, (ch. 4930.)]

Passed 8th March, 1815.—Recorded in Law Book No. XV. p. 143.

NOTE. See act ch. 4763, incorporating a company for same purpose in the West branch.

CHAPTER 4058.

An act to enable the Governor to incorporate a company for manufacturing hemp, flax, wool and cotton, at or near Milford, in the county of Pike.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Shares 25 dollars. Notice of the time and place of opening books. Commissioners may adjourn and transfer the books. Books to be closed when two thousand five hundred shares are subscribed. Five dollars a share, to be paid on subscribing. 2. When 20 persons have subscribed 1000 shares, the commissioners to certify it to the governor, who to incorporate the subscribers. Style "The President Managers and Company of the Milford iron hemp, flax, wool and cotton Manufactory," with the usual corporate privileges. May make by-laws not contrary to the laws of the U. S. or of this state. 3. Eleven directors to be chosen by ballot. Directors to choose a president from their own number. No stockholder to have more than 20 votes. Corporation not to be dissolved for neglecting to hold an election on the stated day. 4. The funds of the company to be employed in manufacturing hemp, flax, wool, cotton, and in erecting such buildings, and purchasing such real estate as may be necessary for that purpose, and in no other way. Company not to be concerned directly or indirectly in banking. 5. Stated meetings of the board may be held. A majority to be a quorum. Journal to be kept of their proceedings. 6. Dividends to be declared. 7. Manner of transferring stock, &c. 8. Directors may appoint committees to transact business, &c. 9. Directors to lay a general statement of the funds before the stockholders when required so to do by a majority. 10. No director to be admitted as security for any office, or agent of the company during the time he is a member of the board. 11. Limited to twenty years. Privileges to be forfeited when abused.]

Passed 8th March, 1815.—Recorded in Law Book No. XV. p. 162.

CHAPTER 4060.

[Vol. 4, p. 279.]

A supplement to the act, entitled "A further supplement to the act, entitled "An act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite Harrisburg, to Pittsburg."

SECT. 1. [STOYSTOWN made a point instead of Somerset.

2. Commissioners named. 3. The governor to subscribe 1300 shares. 4. Repealed part of original supplied by this.] 1815.

Passed 8th March, 1815.—Recorded in Law Book No. XV. p. 169.

NOTE.—See (ch. 3858,) and notes thereto.

CHAPTER 4061.

An act directing the secretary of the land office, to issue patents to the assignees of John Nicholson, for certain lands therein mentioned.

SECT. 1. [THE secretary of the land office directed to issue patents to the original warrantees, or their legal representatives, for 80,400 acres, they paying for the surplus land. The act not to affect the rights of others.]

Passed 8th March 1815.—Recorded in Law Book No. XV. p. 171.

NOTE.—The secretary of the land office having refused to issue the patents a rule was obtained to shew cause why a mandamus ought not to issue. Lancaster, May, 1815.

The secretary addressed a letter to the Sup. Court, assigning the reasons against it. He stated, that he considered himself as the judge to decide who are the legal representatives of the warrantees and that he had always been ready to issue patents to those who prove themselves such, but that, in his opinion, and in that of the board of property, the persons applying are not entitled.

Without expressing a decided opinion, the court inclined to think that the

secretary is not invested with judicial powers, that the act in the text had assigned a ministerial duty, over the exercise of which the court possesses a superintending power. That they ought not to interfere unless it plainly appear that the secretary had refused to perform the duty assigned by the act. The act in the text does not authorise the patents to issue in the name of one of the surviving warrantees and a person claiming under articles of agreement, on a payment of one half the purchase money, when the payment appeared by the receipt to have been made by such person as agent for the original warrantees. 1 Serg. and Rawle, 473.

CHAPTER 4963.

An act altering the mode of issuing tavern licenses.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, the Mayor's Court of the city of Philadelphia, and the Courts of General Quarter Sessions of the Peace of the several counties in this commonwealth, shall grant tavern licenses, under the seal of their respective courts, to such persons within the city of Philadelphia and their respective counties, as shall apply for the same, and as they shall deem suitable and proper, having regard to the particular neighbourhood and situations the most suitable for the accommodation of the inhabitants and travellers; and the clerks of the said courts respectively shall, immediately after each term, transmit the said licenses to the treasurer of their respective counties, and within ten days after each term,

How to be issued.

1815. transmit under seal, to the auditor general, a list of the names of the persons to whom licenses have been granted at the preceding term : [and the said clerk shall receive, for reading and filing each application, and issuing each license thereon one dollar and no more. Supplied ch. 4954.*]

[Vol. 5, p.
232.]

SECT. 2. *And be it further enacted by the authority aforesaid,* That the same proceedings shall be had, relative to the said licenses, as are directed by the twentieth section of the act, entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts, and the payment of the public monies, and for other purposes," passed the thirtieth day of March, one thousand eight hundred and eleven.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the nineteenth section of the above recited act, and so much of every other act as relates to recommendations to the governor for tavern licenses be and the same are hereby repealed.

Passed 8th March, 1815.—Recorded in Law Book No XV. p 173.

NOTE.—By the act of 1710, (vol. 1, p. 73,) the governor of the then province authorized to receive for every license to sell wine and other liquors in the city of Philadelphia, 3*l*. and for other liquors 40*s*. To sell wine in New Bristol, Frankford, Germantown, Darby, Chester, Chichester, 40*s*. and to sell wine and other liquors in other parts of the province 30*s*. Secretary to receive 6*s*. for drawing the license.

The money to be paid for licenses by the act (vol. 1, p. 73,) to be taken in a sum equivalent to the augmented price of the license and deemed money of the value of 10*s*. for a bushel of wheat, and estimated and paid as the fees of certain officers, (vol. 1. p. 504.) This act which regulates the fees on tavern licenses is said to be very darkly expressed, see notes at vol. 1, p. 75

By act (vol. 2, p. 63,) the rates on tavern licenses doubled in all parts of the state.

The penalty for selling (except in the city and county of Philadelphia) by less measure than the quart, rum, wine, brandy or other spirits to be delivered at one time and to one person without license 10*l*. over and above the excise, or be committed to prison at hard labour for three months, (vol. 2, p. 65.) What constitutes a form of indictment for selling spirituous liquors without license? See 4 Serg. and Rawle, 141, and notes at ch. 4644.

For the penalty for same offence, appropriation, and recovery, and duties of constables in the city and county of Philadelphia, see (ch. 4644,) and notes thereto

The county treasurer to deliver licenses to persons recommended and to report

quarterly to the courts the names of all delinquents, and the judges to direct indictments against them, if it appear by the report of the constables, or other sufficient testimony that they continue to sell by small measure. Judges not to recommend a person who has not paid the license of the preceding year.

The judges of the sessions at their first sessions in each year, to limit and declare the number of taverns which may be licensed for the year following, and to issue recommendations as far as the number so limited, (vol. 3, p. 182 sect. 11.)

Recommendations not to issue to persons who keep billiard tables, or other device for gaming, and if it does not appear plainly to the judges that such person hath no such device they shall not recommend. License if issued to be void, (vol. 3, p. 181.)

No person to set up a sign, sign-post board, pole or other device to denote his place of residence or occupation, business or the merchandize, &c. he hath to dispose of (except such as shall keep a public inn, for the entertainment of travellers with their horses in any street, &c. of the city of Philadelphia,) which sign, &c. shall project or extend from the walls of their dwellings into the streets more than six inches (vol. 1, p. 302.)

Inn-keeper to keep good entertainment for man and horse, penalty 40*s*. (vol. 1, p. 73.)

So much of the 2d sect. of the act, (vol. 1, p. 127,) as prohibits the selling of beer, ale and cider by less quantity than two gallons, without license, repealed, (ch. 5009.)

See vol. 1, p. 74, 104 also ch. 4644, 5009 and notes thereto.

* By act (ch. 4954,) the fees of the clerk of Q. S. and mayor's court for all proceedings on tavern licenses, are fifty cents.

A supplement to the act, entitled "An act to incorporate the district of Spring Garden," and for other purposes. [Ch 3706, sup. ch. 4525.]

SECT. 1. [THE electors on the day and at the place where they elect commissioners, annually elect two citizens, residing in the district, return their names to the next court of Q. S. who to appoint one constable. If either refuse or neglect to take the office, or in case of vacancy by dismissal for misconduct, death, resignation or removal, the court may appoint another, for the residue of the term. Inhabitants of Penn township not within the district to elect as heretofore, but not entitled to vote for constable. Electors of Spring Garden not entitled to vote for constables of Penn township not included in said district. 2. Constable to give security in same amount, and he, and the persons acting under his directions to be subject to like penalties in same cases and to be recovered in same manner as provided with respect to the constable of the Northern Liberties, see (vol. 3, p. 305, and vol. 5, p. 174-5,) in notes. 3. The surveyors appointed by the 19th sect. of the act (ch. 3706) authorized to execute the duties by said act conferred in such parts and to such extent as to them shall be convenient or necessary, whether in surveying and laying out new streets, roads, courts, common sewers, &c. or in surveying, &c. the lines of streets &c. now open or intended for public use, or in regulating the height of any streets, gutters or the width of the foot ways, and the draughts or plans of any such parts returned and proceeded on in the manner prescribed by the act (ch. 3706,) shall with respect to the part therein comprehended have the same effect as if one general draught or plan had been made. 4. On the third Monday of May, and Nov. the number of the guardians of the poor for the city of Philadelphia to be 11, for the Northern Liberties 5, and at the same time commissioners of Spring Garden to appoint 2 for Penn township, subject to same rules that the city councils and commissioners of Southwark are subjected to in the choice of guardians, all to have the same powers, &c. and be subject to the same penalties as are provided in the acts, (vol. 4, p. 50, 247. See also ch. 3888, and notes thereto.) 5. The guardians, in May to appoint a manager for Penn township to be entitled to same powers and be subject to same penalties as other managers. 6. So much of the 2d section of the act (ch. 3706,) as disqualifies citizens not freeholders from serving as members of the board of commissioners with other acts altered and supplied, repealed.]

Passed 8th March, 1815.—Recorded in Law Book No. XV. p. 174.

NOTE.—See ch 3706, 4525, and notes thereto.

CHAPTER 4065.

An act, to fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly*

1815.

Appor-
tion-
ment of Se-
nators.

met, and it is hereby enacted by the authority of the same, That until the next enumeration of the taxable inhabitants, and an apportionment thereon, the Senate, at a ratio of five thousand two hundred and fifty, shall consist of thirty-one senators, and be apportioned as follows:

1st district, viz. the city and county of Philadelphia shall be a district, and elect four senators.

2d. The counties of Chester and Delaware shall be a district, and elect two.

3d. The county of Bucks shall be a district and elect one.

4th. The county of Lancaster shall be a district and elect two.

5th. The counties of Berks and Schuylkill shall be a district, and elect two.

6th. The counties of Dauphin and Lebanon shall be a district and elect one.

7th. The county of Montgomery shall be a district, and elect one.

8th. The counties of Northampton, Wayne, Lehigh and Pike shall be a district, and elect two.

9th. The counties of Northumberland, Columbia, Union, Luzerne and Susquehanna shall be a district, and elect two.

10. The counties of Lycoming, Centre, Clearfield, McKean, Potter, Bradford and Tioga shall be a district, and elect one.

11th. The counties of York and Adams, shall be a district, and elect two.

12th. The counties of Mifflin and Huntingdon shall be a district, and elect one.

13th. The county of Cumberland shall be a district and elect one.

14th. The counties of Bedford, Somerset and Cambria shall be a district, and elect one.

15th. The county of Franklin shall be a district, and elect one.

16th. The counties of Westmoreland, Indiana and Jefferson shall be a district, and elect one.

17th. The county of Fayette shall be a district, and elect one.

18th. The counties of Washington and Greene shall be a district and elect two.

19th. The counties of Alleghany, Armstrong, Beaver and Butler shall be a district, and elect two.

20th. The counties of Mercer, Erie, Venango, Crawford and Warren shall be a district, and elect one.

SECT. 2. *And be it further enacted by the authority aforesaid, That in those districts, which are composed of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within such county in such manner as is or may be directed by law, shall send the same by one of their number, to the place hereinafter mentioned within the district of which such county is a part, where the judges, so met, shall cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district, viz. The judges of the district composed of the city and county of Philadelphia, shall meet at the state house in the city of*

Of the return
judges—

Where they
shall meet.

Philadelphia ; the judges of the district composed of the counties of Chester and Delaware, shall meet at the court house in the borough of West-Chester ; the judges of the district composed of the counties of Berks and Schuylkill, shall meet at the house of Abraham Bailey, in Hamburg, in the county of Berks ; the judges of the district composed of the counties of Dauphin and Lebanon, shall meet at the public house of Jacob Greenawalt, in Hummelstown ; the judges of the district composed of the counties of Northampton, Wayne, Lehigh and Pike, shall meet at the court house in the borough of Easton, in the county of Northampton ; the judges of the district composed of the counties of Northumberland, Columbia, Union, Luzerne and Susquehanna, shall meet at the house of John Brown, in Berwick, in the county of Columbia ; the judges of the district composed of the counties of Lycoming, Centre, Clearfield, M'Kean, Potter, Bradford and Tioga, shall meet at the court house in the borough of Williamsport ; the judges of the district composed of the counties of York and Adams, shall meet at the court house in the borough of York ; the judges of the district composed of the counties of Mifflin and Huntingdon, shall meet at the house of John Read, Bellville, Mifflin county ; the judges of the district composed of the counties of Bedford, Somerset and Cambria, shall meet at the house of George Graham, in Stoystown ; the judges of the district composed of the counties of Westmoreland, Indiana and Jefferson, shall meet at the house now occupied by John Kelly, in the town of Newport, in Blacklick township, Indiana county ; the judges of the district composed of the counties of Washington and Greene, shall meet at the house now occupied by Henry Carter, in the town of Amity, Washington county ; the judges of the district composed of the counties of Alleghany, Armstrong, Beaver and Butler, shall meet at the house of James Carnahan, in Deer township, Alleghany county ; the judges of the district composed of the counties of Mercer, Erie, Venango, Crawford and Warren, shall meet at the court house in Meadville.

SECT. 3. *And be it further enacted by the authority aforesaid,* That until the next enumeration of taxables, and an apportionment thereon made, the House of Representatives, at a ratio of one thousand seven hundred and fifty, shall consist of ninety-seven members, and be apportioned as follows :

Of members
of the House
of Represen-
tatives.

The city of Philadelphia shall be entitled to five members.

The county of Philadelphia, to six.

The county of Bucks, to four,

The county of Chester, to five,

The county of Lancaster, to six,

The county of York, to four,

The county of Cumberland, to three,

The counties of Berks and Schuylkill, to five, and the return judges shall meet at the house of Abraham Bailey, in Hamburg, in the county of Berks.

The counties of Northampton, Wayne and Pike, to three, and the judges shall meet at the court house in the borough of Easton.

The county of Lehigh, to two,

The county of Northumberland, to two,

1815.



The county of Union, to two,
 The county of Columbia, to one,
 The county of Washington, to four,
 The county of Westmoreland, to three,
 The counties of Armstrong, Indiana and Jefferson, to two, and the return judges shall meet at the house of Absalom Woodward, in Armstrong county.

The county of Fayette, to three,
 The county of Bedford, to two,
 The county of Franklin, to three,
 The county of Montgomery, to four,
 The county of Dauphin, to two,
 The county of Lebanon, to two,

The counties of Luzerne and Susquehanna, to two, and the return judges shall meet at the house of Charles Otis, in the county of Luzerne.

The counties of Bradford and Tioga, to one, and the return judges to meet at the house late of Moses Taylor, at the head of Sugar creek, in Bradford county.

The county of Huntingdon, to two,
 The county of Beaver, to one,

The counties of Alleghany and Butler, to four, and the return judges shall meet at the house of James Carnahan, in Deer township, Alleghany county.

The county of Mifflin, to two,
 The county of Delaware, to two,

The counties of Somerset and Cambria, to two, and the return judges shall meet at the house of George Graham, in Stoystown, in the county of Somerset.

The counties of Lycoming, Potter and M'Kean, to one, and the return judges shall meet at the court house in the borough of Williamsport.

The county of Greene, to one,
 The county of Adams, to two,

The counties of Centre and Clearfield, to one, and the return judges shall meet at the court house in the borough of Bellefonte.

The counties of Erie, Crawford, Warren, Mercer and Venango shall be a district, and shall be entitled to three members, and the return judges shall meet at the court house in the town of Meadville.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Senators and Representatives shall be chosen by the duly qualified citizens of Philadelphia, and the several counties, at the time, manner and place prescribed by the constitution and laws of this commonwealth.

How members of legislature shall be elected.

Passed 8th March, 1815.—Recorded in Law Book No. XV. p 178.

NOTE—County of Perry (from Cumberland) erected, to have one representative, and Cumberland two Perry with Cumberland to elect one senator, (ch. 4853.)

By the 4th sect. of the 1st art. of the constitution it is provided that within three

years after the first meeting of the general assembly, (which was on the 7th December, 1790,) and within every seventh year thereafter, an enumeration of the taxable inhabitants shall be made. The number of representatives shall be fixed and apportioned, and never less than 60 or

more than 100, and each county shall have at least one representative. By the 6th sect. of the same article the number of senators shall also be fixed and apportioned never less than one-fourth nor greater than one-third of the number of representatives. By the 7th act the senators are to be chosen in districts, each district containing such a number of taxables as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of

Philadelphia, nor any county to be divided, in forming a district.

In pursuance of this constitutional injunction, the first act for the enumeration of the taxable inhabitants was passed 10th April, 1793. (ch. 1672.)

See ch. 4921 for the return of the census made at the several constitutional periods and to the laws generally on this subject. See also ch. 3841 & notes thereto.

Senators and representatives to receive five cents mileage, (ch. 3826) See also vol. 3, p. 26.

CHAPTER 4066.

A supplement to the act, entitled "An act to erect part of Northumberland county [Ch. 3707.] into a separate county, to be called Union."

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first Monday of May next, the several courts in and for the county of Union, shall be opened and held in the court house in the town of New Berlin, in the said county, and it shall be the duty of the several officers in the said county of Union, who now, by law, are obliged to hold their offices in the county town, to remove their respective offices to the said town of New Berlin, on or before the first Monday of May aforesaid; any law to the contrary notwithstanding: *Provided,* That a full and a sufficient deed in fee simple, for the court house and lot whereon the same shall have been erected, shall, on or before the first Monday in April next, be tendered to the commissioners of the said county, on the payment of sixty-seven cents by them.

Courts of Union to be held at New Berlin.

Proviso.

Passed 8th March, 1815—Recorded in Law Book No. XV. p. 182.

NOTE.—See ch. 3707 and notes thereto.

CHAPTER 4067.

An act establishing an Academy in Lewistown, in the county of Mifflin.

SECT. 1. [ACADEMY established. 2. Trustees named and incorporated by the name of "The Trustees of the Lewistown Academy." Usual corporate privileges. Yearly value of corporate property not to exceed 5000 dollars. 3. May have and use a common seal. 4. Trustees to meet on the first Monday in May annually. Eight trustees a quorum for transacting business, making by-laws, &c. No by-law to be contrary to the laws of the U. S. or of this state. 5. Trustees to be elected on the first Monday of April annually. No persons entitled to vote but subscribers to the funds of the academy. 6. By-laws, proceedings, &c. to be entered in a book. No misnomer of the corporation to vacate a gift, &c. provided the intention be clear. Nonuser not to cause a forfeiture.

1815. No *bona fide* sale of real estate, accompanied by possession, shall be invalidated for want of proof that eight trustees consented thereto, unless it be controverted within seven years after such sale was made. 8. Two thousand dollars granted to the trustees. How to be appropriated. Not to be paid until five hundred dollars is raised by private subscription. Poor children, not exceeding five, to be taught gratis.]

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 183.

CHAPTER 4068.

An act to authorize the governor to incorporate a company for the purpose of erecting a bridge over the river Susquehanna, opposite the borough of Sunbury, in the county of Northumberland.

SECT. 1. [COMMISSIONERS appointed, to receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of the time and place of opening books. Commissioners may adjourn from time to time and transfer the books from place to place on giving notice. Books to be closed when 2200 subscribed. Five dollars a share to be paid on subscribing. 2. When 600 shares are subscribed, the governor upon being informed of it, to incorporate the subscribers. Style, "The President, Managers and Company for erecting a bridge over the river Susquehanna, opposite the borough of Sunbury, in the county of Northumberland." Usual corporate privileges given. 3. Proceedings to organize the corporation. A president, six managers, treasurer and clerk, to be chosen by ballot. May make by-laws, &c. No person to have more than five votes. 4. Annual meeting of stockholders to be held, and officers to be chosen, on the first Monday in June. 5. Certificates of stock to be signed and to be transferable. 6. Five members of the board to be a quorum. Shall keep records of their proceedings. May appoint workmen, agents, &c. and fix their salaries, &c. Penalty for neglecting to pay instalments, &c. 8. Company may enter on lands, &c. adjacent, and take stones, gravel and other necessary materials, first giving notice to the owners and offering compensation for damages. If they cannot agree upon the amount, three freeholders to be chosen between them to appraise it. 9. President and managers to keep regular accounts, and submit them annually to the stockholders. Shares may be increased if necessary. 10. When the bridge is completed, the property in it to be vested in the company, and gates to be erected. Rates of toll. Navigation not to be obstructed. No toll to be demanded of any person attending funerals or places of worship, or walking in military procession, or from persons belonging to the militia, in going to or returning from muster on days of training.]

SECT. 11. *And be it further enacted by the authority aforesaid,* That if the said company or their successors, shall collect or demand any greater rates or prices for the passing over the said bridge, than is herein before prescribed, or shall neglect to keep the said bridge in good repair, they shall, for every such offence, forfeit and pay thirty dollars, one half thereof for the use of the poor in the borough

Penalty for
demanding
illegal tolls.

of Sunbury, in Northumberland county, or of the township of Penn, in Union county, to be applied alternately, and the other half for the use of the person who shall sue for the same, to be recovered before any justice of the peace in the township of Penn, or the borough of Sunbury: *Provided*, That no suit shall be brought in this respect unless within thirty days after the offence committed: *And provided also*, That the judgment of the said justices, in any such case brought before them, shall be liable to revision, either by appeal to the Court of Common Pleas, if the merits of the case be contested, or by *certiorari*, if the legality of their proceedings or their jurisdiction be disputed.

SECT. 12. [Managers, &c. to keep an account of tolls received, and make dividends of the clear profits. 13. Abstract of accounts to be laid before the legislature every three years. Provision for increasing tolls. 14. Company not to engage in banking.]

SECT. 15. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridge, or any toll house, gates, bars, or other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully deface or destroy the letters or figures, or other characters, in any written or printed list of the rates of tolls affixed, in any place or places, for the information of passengers and others, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part thereof, he, she, or they so offending, shall, and each of them, forfeit and pay, for every such offence, to said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of a like amount are recoverable, and he, she or they so offending, shall remain liable to actions at the suit of the said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no suit shall be brought, unless within thirty days after such offence shall have been committed.

Penalty for
injuring any
part of the
bridge.

SECT. 16. [Bridge to be begun in four and finished in ten years.]

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 187.

CHAPTER 4069.

An act to incorporate the Pennsylvania and New Jersey Steam Boat Company.

SECT. 1. [INCORPORATED by the name of "The President and Trustees of the Pennsylvania and New Jersey Steamboat Company," with the usual corporate privileges. Act of the state of New Jersey adopted and annexed hereto.]

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 198.

STATE OF NEW JERSEY.

An act to incorporate the Pennsylvania and New Jersey Steam Boat Company.

SECT. 1. [ASSOCIATION incorporated. Their style and privileges. May have a common seal. May make by-laws, &c. not

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inconsistent with the laws of the United States or of the states of New Jersey and Pennsylvania. Clear annual income of real estate not to exceed five thousand dollars. 2. Joint stock, &c. of the association vested in the company. Company to have the benefit of and be liable for the contracts made by the association. 3. Constitution of the association declared to be the constitution of the corporation. 4. Funds only to be employed as specified in this act.]

Passed 11th February, 1815.

CHAPTER 4071.

[Vol. 3, p.
407.]

A further supplement to the act, entitled "An act for erecting part of the counties of Mifflin, Northumberland, Lycoming and Huntingdon into a separate county."

Commissioners of Centre to call trustees to settlement.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all the powers and authorities heretofore given by law to the trustees of Centre county, be, and the same are hereby vested in the commissioners of the said county of Centre, and their successors, and the office of trustees of the county of Centre is hereby abolished; and it shall and may be lawful for the commissioners of Centre county to call the said trustees to a settlement of their accounts, as well as all other person or persons who may owe or be indebted in any sum or sums of money arising, owing or accruing to the said county, under or in pursuance of the ninth section of the act, to which this is a further supplement, and to receive and compel the payment of the same, with the legal interest that may or shall hereafter accrue thereon; which monies shall be expended by the said commissioners agreeable to the provisions of the said act, and the commissioners shall, from time to time, render due and faithful accounts of all monies received, and the expenditures of the same, to the auditors of the county of Centre, who shall adjust and settle the same.

Contracts declared valid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all contracts made or entered into by the commissioners of Centre county, for the building of a new jail, in the borough of Belfonte, are hereby declared to be good and valid in law, any thing in any act or acts of assembly to the contrary notwithstanding: and all acts relating to the said county of Centre, which are hereby altered or supplied, be, and the same are hereby repealed.

Repeal.

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 200.

CHAPTER 4073.

An act to authorize the governor to incorporate a company to erect a bridge over the river Schuylkill, opposite the borough of Pottstown, in the county of Montgomery.

SECT. 1. [COMMISSIONERS named. To receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of the time and place of opening books. Commissioners may adjourn and transfer the books from place to place on giving notice. Books

to be closed when 400 subscribed. Five dollars a share to be paid on subscribing. 2. When 200 shares subscribed the commissioners to certify it to the governor who to incorporate the subscribers. Style, "The President, Managers and Company of the Schuylkill Bridge at Pottstown." Usual corporate privileges. 3. Proceedings to organize the corporation. A president, six managers and treasurer, to be chosen by ballot. Power to make by-laws, &c. No person to have more than ten votes. 4. Annual meeting of stockholders to be held and officers to be chosen on the third Monday in April. 5. Certificates of stock to be signed and be transferable. 6. Five members of the board to be a quorum, with power to transact business, appoint agents, workmen, &c. fix their salaries, &c. 7. Penalty for neglecting to pay instalments. 8. President, managers, &c. to keep accounts of monies received and expended and submit them annually to the stockholders. Shares may be increased if necessary. 9. The bridge when finished to be vested in the company. Rates of toll. No toll to be taken from persons attending funerals, or walking in military procession, belonging to the militia in going to or returning from trainings or from children going to or returning from school, nor from persons going to or returning from public worship.]

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the said company, or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge, than what are herein before prescribed and specified, or shall neglect to keep the same in good repair, or keep a list of toll placed near the said bridge, on ten days notice given by or from any justice of the peace in the county of Montgomery or Chester, they, so offending, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered as debts of the same amount are by law recoverable, one moiety thereof to go for the use of the poor of the county in which the suit may be brought, and the other moiety for the use of the person who shall sue for the same, but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Penalty for
demanding
illegal toll

SECT. 11. [Accounts to be kept of tolls received and dividends made of the clear profits. 12. Abstract of accounts to be submitted to the legislature every five years. Provision for increasing tolls. 13. Bridge to be commenced in two and finished in five years.]

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of said bridge, or any toll-house, gates, bars or other property of the said corporation appurtenant to, or erected for the use and convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully deface or destroy the letters or figures or other characters, in any written or printed list of the rates of toll, affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to said corporation, the sum of twenty dollars, to be recovered, on conviction, before any justice of the peace, as debts of like amount are

Penalty for
destroying
any part of
said bridge.

1815. recoverable ; but no suit shall be brought, unless commenced within thirty days after such offence shall have been committed, and he she or they so offending shall remain liable to actions, at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages : *Provided always*, That the suit last herein mentioned, shall be brought within thirty days after such conviction had before any justice of the peace as aforesaid, and not otherwise.

Proviso.

Passed 11th, March 1815.—Recorded in Law Book No. XV. p. 203.

NOTE—Governor to subscribe 3000 dollars to the stock, (ch. 4985, sect. 46.)

CHAPTER 4074.

An act to extend the boundaries of Lycoming county.

[Union county erected,
ch. 3708.]

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That from and after the first day of May next, the township of Washington, in the county of Union, be, and the same is hereby annexed to the county of Lycoming, and shall be part of the same ; and the said township of Washington, in the county of Union, shall be also annexed, for all township purposes, to the township of Washington, in the county of Lycoming, and shall elect with the electors of the said township of Washington, in Lycoming county.

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 212.

NOTE.—See ch 3708, and notes thereto.

CHAPTER 4075.

An act to enable the governor to incorporate a company to make an artificial road by the best and nearest route from the west end of the borough of York to the borough of Gettysburg, in the county of Adams.

SECT. 1. [COMMISSIONERS named, to procure books, and receive subscriptions. Form of subscription. Price of shares one hundred dollars. Notice to be given of the time and place of opening books. Books may be transferred. To be closed when nine hundred shares are subscribed. Five dollars a share to be paid on subscribing. 2. When 250 shares subscribed by 50 persons, the governor to incorporate the subscribers by the name of the “ President, Managers and Company of the York and Gettysburg Turnpike road.” Usual privileges. 3. Penalty for non payment of instalments. No person in arrears allowed to vote. 4. Proceedings to organize the company. A president, twelve managers and a secretary to be chosen by ballot. Route of road defined. Company to have the same privileges, &c. as the Susquehanna and York borough turnpike company, (vol. 4, p. 161.) Road to be commenced in five and completed in ten years.]

Passed 11th March, 1815.—Recorded in Law Book No. XV p. 213.

NOTE.—The governor authorized and stock of the company, (ch. 4203,) and authorized required to subscribe 150 shares in the additional 180 shares, (ch. 4437.) To

subscribe 10,000 dollars, (ch. 4985, sect. 44.) Company authorized to extend the road from west end of York to the Codorus creek, (ch. 4771.)

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CHAPTER 4079.

An act to extend the powers of the President, Managers and Company of the Ridley turnpike road. [Original act vol. 5, p. 241]

SECT. 1. [COMPANY authorized to extend the road from place of beginning to the Delaware and Pennsylvania line, near Naaman's creek.]

Passed 11th March, 1815.—Recorded in Law Book No XV. p. 220.

NOTE. The original act (Vol. 5, p. 241) and the act in the text revived. Road to be commenced in three and finished in seven years, (ch. 4447.)

CHAPTER 4080.

A supplement to the act entitled "An act for the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of assembly." [Vol. 2, p. 299.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That the provision contained in the fourth section of the act to which this is a supplement, so far as the same relates to persons beyond the seas, and from and without the United States of America, be and the same is hereby repealed, and that the limitation contained in the second section of the said act be, and the same is hereby extended to persons residing beyond the seas, and from and without the United States of America, any law to the contrary notwithstanding.* Vol. 2, p. 300. See ch. 3734 and notes thereto.

Passed 11th March, 1815 —Recorded in Law Book No. XV. p. 221.

NOTE. See act Vol. 2, p. 299, and notes thereto.

The provision of the 4th section of the act, (vol. 2, p. 299) is in the following terms, viz, "That if any person or persons having such right or title be, or shall be at the time such right or title first descended or accrued within the age of twenty one years, feme covert, *non compos mentis*, imprisoned or beyond seas, or from or without the United States of America," then such person, &c. or his heirs may, notwithstanding the 21 years be expired, bring his action or make his entry as he might have done before this act, so as such person shall within 10 years next after attaining age, &c. or coming into the U. S. take benefit of or sue for the same, and no time after said 10 years, and in case of the death of the person within the 10 years, under any of the disabilities, the heir, &c. to have the same benefit, &c. In case of abatement in proceeding, they may be renewed in three years. The limitation contained in the second section is in the following

terms, viz. "that no person or persons whatsoever shall make entry into any manors, lands, tenements, hereditaments, after the expiration of twenty-one years next after his, her or their right or title to the same, first descended or accrued," nor shall any person &c. have any writ of right or other real or possessory suit or action for any lands, &c. of the seizin or possession of him, his ancestors or predecessors, nor declare or alledge any other seizin, &c. of him, &c. his ancestors or predecessors than within 21 years next before such suit, &c. commenced.

By the act (ch. 3734) it is enacted that two years thereafter the act to repeal the act of limitations of actions to be brought for the inheritance or possession of real property, or upon penal acts of Assembly, in all cases where title has at any time been claimed under the Susquehanna company or the state of Connecticut," (Vol 3, p. 421) be repealed and the act of limitation (vol. 2, p. 299) after the expiration of two years extended to that part of the state against every person except

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those who have brought their actions for the recovery of their possession within the said two years, as in other parts.

Two verdicts and judgments in favor of a defendant, or those under whom he claims, and 17 years acquiescence by the plaintiff, is no bar. Nothing less than 21 adverse possession is a bar by the act of limitation. Equitable circumstances were not referred to, and for a court and jury to enter into them, would open a wide field. The question whether the plaintiff's delay of his suit for 17 years after the last verdict and judgment, is not a flat bar to his action. 1 Sergt. and Rawle, 515.

Title by improvement is only a right of pre-emption, until the purchase is made of the commonwealth. Up to that time, possession is not adverse to, but *under* the commonwealth, and therefore though it continue 21 years, it is no bar to the commonwealth or her grantee. 5 Bin. 77.

A defendant in ejectment must, in order to support his plea of the statute of limitations, stand on his own possession, and cannot call to his aid the possession of one whose title the plaintiff has purchased. A party may purchase as many titles as he pleases. 1 Serg. and Rawle, 111.)

If one has possession by inclosure of a part of a tract of land which has known boundaries and claims the whole tract, this is a possession of the whole and the act of limitation operates in favor of the whole, if no other has possession in fact or in law: but if another has possession of part of an adjoining tract, the lines of which interfere, in such case the law adjudges the possession of the uninclosed part is in him who has the legal right, and the act in such case only operates as to the part actually inclosed. 1 Serg. and Rawle, 111.

Where surveys interfere, the act of limitation has no operation against him who has the best right, unless his opponent takes an adverse and exclusive possession. When there is no interference, the possession of part is in law the possession of the whole. 2 Sergt. and Rawle, 136.

Johnson vs. Irwin, in error. (3 Serg. and Rawle, 291) It had been decided by the Common Pleas of Union county, that the party claiming the benefit of the statute of limitations, must have actual possession, by himself or his tenant, and *residence thereon*. Their judgment was reversed by the Supreme Court, who declared that residence was not necessary to make an adverse possession. Land may be inclosed and cultivated without residing on it, and the possession is as much adverse in one case as in the other. The Court of C. P. had also decided that as the lands were not

in Johnson's lines, they must either have been vacant or belonging to Irwin under his old improvement right, and in either case the statute would not bar the recovery. Why should the claim under the improvement prevent the operation of the statute, observed the Chief Justice. The plaintiff had taken a patent on his improvement right more than 21 years before this ejectment. In this patent he was bound by Johnson's tract, and, therefore, had a right to run to and with that tract, notwithstanding an error in mentioning the courses and distances. The statute would run from the date of the patent whatever it might do before; but the court desired it to be understood, that they gave no opinion as to the operation of the statute, before the patent. The commonwealth cannot be affected by the statute. But query, how far it operates as to private persons when the legal estate remains in the state with an equitable interest in those persons, is a point which involves important consequences and will require great consideration whenever it shall be presented.

In the case of *McCoy vs. the Trustees of Dickinson College*, (4 Serg. and Rawle, 302,) error to Northumberland county. The defendants offered evidence to prove that neither the plaintiffs nor those under whom they derived title, had been in possession more than 21 years before the commencement of the suit. To this the plaintiff objected, because the land not having been patented, the legal title remained in the commonwealth, and the commonwealth not being bound by the act, neither are those who hold under the commonwealth. The question in this case is an important one, hitherto undecided. Lands in Pennsylvania to a great amount are held by warrant, or application and survey, without patent, and if they are excepted from the operation of the act of limitations, no inconsiderable portion of the state, will be left to that uncertainty, which it was the object of the act of limitations to prevent. The proprietaries contracted for the sale of lands in various modes, and to deliver possession without the purchase money. They issued no patent, consequently they retained the legal title. The title granted was *sui generis*, unknown to the law of England, and at first not well defined by our own law. Until 1760, rights of this kind were considered as chattles, afterwards they assumed a more important character, and were considered as real estate.

After a sale, and before conveyance of the legal title, the general rule is that the vendor is a trustee for the vendee, and while his possession can be reasonably supposed to be in accordance with the trust, it should be construed for the

benefit of the *cestui qui trust*, and consequently the act of limitations would have no operation; but where he, who was trustee, openly disavows the trust, the case is different, and especially where the vendor, after having delivered possession to the vendee, makes a lease to a third person, in opposition to the title of the vendee, and the lessee enters and holds the possession. This is notice to the vendee that his title is denied and if he suffer twenty-one years to elapse without prosecuting his claim, the jury may presume a *disseisin*, in consequence of which the act of limitation would take effect. As long as one tenant in common who is in possession of the whole, acts in such a manner as not to deny the title of his partner he shall presume to hold as tenant in common and the act of limitation will not attach, he may receive all the profits and yet not deny that he is accountable. But when he declares that he claims for himself exclusively, refuses permission to the other to enter, and denies that he is accountable for the profits, the presumption of holding as tenant in common fails, and a contrary presumption arises, viz. that he has ousted his companion, in consequence of which the act of limitation takes effect. It would be a misconstruction of the statute to say that because the vendor had once stood in the situation of a trustee, therefore he should stand so forever. 4 Serg. and Rawle 310

Until the patent issues the legal title is in the state, and the act has no force against the commonwealth. Even without having recourse to the pre-eminence rights which exempt the supreme power of the nation from the operation of statutes in which it is not expressly named, it is evident, from the nature of the case, that the possession of those persons who hold unpatented lands, is not adverse to the commonwealth. On the contrary the nature of the contract and the custom of the country prove, that the possession is under and with the consent of the commonwealth. But as to all private persons the case is different, and it would be attended with incalculable mischief, if the undisturbed possession for 21 years, should confer title and safety on the holders of patented lands, but be of no avail where there is no patent. The words of the act embrace both cases. As to the right of the state, it is the duty of the court to protect it, without extending their protection to others, who stand in different circumstances, and who cannot be protected without throwing the country into confusion. Cases upon the British statute are inapplicable here because England has no species of property like our right under warrant and survey. A-

gainst the state there can be no possession on which the act of limitation could operate. The court wished it to be understood that they gave no opinion beyond the point decided. What will be the consequence of possession, taken without title, as to the extent of his possession, or whether such possession will or can be extended beyond actual inclosure of the occupant, is a question not then before the court. The consequences of laying down general principles on the act of limitation, are so important, that the court should be cautious of intimating opinions on points out of the record. 4 Serg. and Rawle, p. 302.

In the case of Hall and others against Powell, (4 Serg. and Rawle, 456) it was declared by the court, that, as respects the operation of the act of limitations, every decision, every construction on the law is most important, for it extends to every part of the state, and embraces the possession of every man. The defendant in error, or those under whom he claimed, was in possession of a part, for *Brown and Hall* were his tenants of whatever they leased, during the time in which the limitation would run. As they entered without colour of title, on the deeded lands of the defendant, they were disseisors; for a survey puts the owner in possession. Their seisin then could extend no further than their actual, exclusive possession; for the acts of a wrong-doer must be construed strictly, because he claims a benefit from his own wrong. There is no clearer principle of reason and of justice, than, that if the rightful owner is in the actual occupancy of a part by himself, or tenant, he is in the constructive and legal possession, &c. of the whole, unless he is disseized by actual occupation and dis-possession. If this were not the law, the possessor by wrong would be more favoured than the rightful possessor. Here are two, each in actual possession of part of a surveyed tract, the owner and an intruder.—Who then is in possession of the part not occupied by inclosure by either? The man, who has no right, but by disseisin of a part, or he, who is in actual occupancy of a part, and the rightful owner of the whole? In this kind of mixed constructive possession, the legal seisin is according to the title, and that draws possession to the owner. It remains until he is dispossessed, and then no further than actual dis-possession by a trespasser, who cannot acquire a constructive possession, which always remains with the title. Where a man claiming by improvement, enters on the land of another, and has not his pretensions marked, he is only protected, so far as he is covered with by his buildings and

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improvements, if there is neither survey, nor lines, nor boundaries of such improvement. This seizin and possession extend not beyond his actual inclosure, and exclusive possession; the act of limitation can extend no further, or protect a possession which only exists in the imagination and mind of the improver, and has assumed no visible, tangible substance.

One enters on a corner of three tracts owned by different persons; if constructive possession extends to all that a legal settlement on the vacant lands of the state would entitle such settler to, and has not defined his boundaries by visible marks, to which will his constructive

possession extend? which owner is to lose his land? the election would remain with the trespasser. He might take the whole of one or a part of the three, and thus a man be disseized of his land by an adverse possession of which the utmost circumspection can give no notice, by a notorious possession, which did not exist in fact.

In this case the court gave no opinion how far one entering on the lands of another, without a special right, but merely claiming by right of possession, is protected by limitation beyond his actual inclosures, though he has lines run, or a survey made, and his boundaries ascertained.

CHAPTER 4081.

An act authorizing the governor to appoint commissioners for the purpose of laying out a state road, from the middle ferry bridge, near Philadelphia, to the M'Call's ferry bridge over the Susquehanna.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a road, beginning at or near the west end of the middle ferry bridge over Schuylkill, thence along the road called the Marlborough street, varying from the route thereof only in such places as the ground shall appear most eligible, or the distance shortened, until the said street road leaves the most direct course, then to be continued on the nearest and best route to the east end of the bridge now erecting over the river Susquehanna, at M'Call's ferry, in the county of Lancaster; and the said commissioners, after having taken an oath or affirmation, before some judge or justice of the peace, to perform the said duty with fidelity, shall proceed to perform the service aforesaid, at such time as the governor shall direct; and they shall deposit a draught of the said road in the office of the Clerk of the Quarter Sessions of the respective counties through which the same shall pass, which shall be a record of said road, and from thenceforth it shall be, to all intents and purposes, a public highway, and shall be opened to the width of fifty feet, and kept in repair as roads laid out by order of the Courts of Quarter Sessions, are opened and kept in repair in said counties: *Provided,* That the owners of lands through which the said road may be laid out, shall have the same remedy for any damages they may sustain thereby, as they would have if said road were laid out by orders of the courts of the respective counties through which the same may pass.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the commissioners shall be allowed each three dollars per day, and two chain carriers and one marker shall be allowed two dollars each, for every day that they may be necessarily employed in viewing, surveying and marking the said road, and the expense shall be paid by the respective counties, in proportion to the extent of said

road in each, on warrants drawn by the county commissioners of the respective counties on the treasurers thereof. 1815.

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 222.

CHAPTER 4083.

A further supplement to an act entitled "An act to enable the governor to incorporate a company for making an artificial road, beginning at the intersection of Vine and Tenth streets, Philadelphia, and thence to Perkiomin bridge, in the county of Montgomery." [Vol. 5, p. 242. sup. ch. 3835.]

SECT. 1. [UNTIL 1st May next, and from 1st Nov. to 1st May, 1816, and during same period, in all succeeding years, every carriage drawn by more than six horses, to be liable to payment of double toll, or carrying more than two and a half tons, unless fellows of wheel be 7 inches wide and roll ten inches on each side. No carriage to carry more than seven ton, penalty 20 dollars.]

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 224.

NOTE.—See ch. 3835 and notes thereto.

CHAPTER 4086.

An act authorising the governor to incorporate a company for making an artificial road from the south end of Market street, in the borough of Lebanon, to Cornwall Furnace.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of the time and place of opening books. Commissioners may adjourn. Five dollars a share to be paid on subscribing. 2. When 200 shares subscribed, the commissioners may certify it to the governor, who shall incorporate the subscribers by the name of "The President, Managers and Company of the Lebanon and Cornwall Furnace Turnpike road," with the usual corporate privileges. 3. Proceedings to organize the company. A president, eight managers and a treasurer, to be chosen by ballot. Company may make by-laws, &c. To have the same privileges and be subject to the same restrictions, &c. as the Lancaster and Susquehanna Turnpike Company. (Vol. 3, p. 191.) Not to be compelled to cut the road more than 16 feet wide where it passes through the solid rocks. No toll to be demanded from any person passing from one part of his farm to another, nor from any person passing to or from any place of worship, funeral, school, election, or militia training. Road to be commenced in five and completed in six years.]

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 226.

CHAPTER 4087.

An act to compel the branch banks within this commonwealth, to receive, in payment, the notes of the banks of which they are severally branches.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That*

* The style is "The Ridge Turnpike Company," vol. 5, p. 242.

1815.

each branch bank within this commonwealth, shall receive, in payment, as well from other banks as from individuals, any note or notes of the original bank of which it is a branch.

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 230.

NOTE.—The only banks authorized to establish branches are the Pennsylvania, (vol. 3, p. 97) and the Philadelphia bank (Vol. 4, p. 148 and Vol. 5, p. 14) If the Philadelphia Bank refuse to pay any notes issued under its ditecton, at any branch the act of incorporation (vol. 4,

p. 198.) declared void, the operation of the branches to cease at the expiration of four months after conviction, and the president and directors violating the provisions of the act to forfeit 500 dollars, Vol. 5, p. 160.

See ch. 3902 and notes thereto.

CHAPTER 4089.

[Vol. 4, p. 19, A supplement to an act, entitled "An act to erect the town of Chambersburg, in the county of Franklin, into a borough," see also ch. 3900.]

SECT. 1. [OFFICERS who have been elected to serve the last preceding year, shall continue to perform all the duties by them heretofore held, agreeably to the provisions of the original act. 2. In case of vacancies, the Burgess, &c. shall advertise and hold an election, as provided by the original act, to supply the vacancy, giving ten days notice at four of the most public places in the borough. 3. The street and road commissioners authorized to proceed to collect taxes assessed agreeably to the original act, as the supervisors of roads under the several road laws is provided. 4. The Burgess, &c. authorized to appoint a collection of taxes in the borough.

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 232.

CHAPTER 4091.

An act to authorise the governor to appoint commissioners to lay out certain roads therein mentioned.

Milesburg
and Erie
road.

SECT. 1. *BE it enacted by the senate and house of representatives, of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a road, beginning at or near the line between the counties of Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the said line, and thence through the town of Mercer to the state line, in a direction to Warren, in the state of Ohio, and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and they shall deposit a copy of a draught of said road in the office of the clerk of Quarter Sessions, in each county through which the said road shall pass, and the said clerks, respectively, shall enter the same on the records of the county, which shall be a record of the said road, and from thenceforth shall be, to all intents and purposes, a public highway, and shall be opened and shall be kept in repair in the same manner as other roads laid out by the authority of the courts in the counties aforesaid.

SECT. 2. *And be it further enacted, by the authority aforesaid,* 1815.
That the governor be, and he is hereby authorized to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a road to commence at the lower ferry on the west side of Big Beaver creek and thence to intersect the main post road leading to Warren and Cleveland, at the state line near Petersburg, in the state of Ohio, and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and they shall deposit a copy of a draft of the said road in the Court of Quarter Sessions of the county of Beaver, and said clerk shall enter the same on the records of the county, which shall be a record of said road, and from thenceforth shall be, to all intents and purposes, a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the court in the county aforesaid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, shall receive three dollars for every day they shall be necessarily employed in the service aforesaid, with a reasonable compensation for the hands necessarily employed in chaining and marking the lines of the roads aforesaid, and the expense that may be so accrued in laying out and marking said roads, in each of the counties through which they may pass, shall be paid by the counties respectively, in proportion to the distance said road may pass through the same, on warrants drawn by the commissioners of each, on the treasurer thereof, in favour of the commissioners to be appointed, the draft of said road to be made by said commissioners: *Provided,* That before they enter upon the duties of their appointment, they shall each take an oath or affirmation, before some judge or justice of the peace, to perform the duties hereby enjoined with fidelity and impartiality, a copy whereof shall be filed with each draft of the road in the respective counties.

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 235.

CHAPTER 4095.

An act to authorize the governor to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near the borough of Norristown, in the county of Montgomery, and for other purposes.

SECT. 1. [COMMISSIONERS appointed to procure books and receive subscriptions. Price of shares fifty dollars. Notice to be given of the times and places of opening books. Books to be closed when 400 shares are subscribed. Commissioners may adjourn from time to time, on giving notice. Five dollars a share to be paid on subscribing. 2. When 200 shares are subscribed the commissioners may certify the fact to the governor, who shall thereupon incorporate the subscribers by the name of "The President, Managers and Company of the Schuylkill Bridge at Norristown." The usual corporate privileges given. 3. Proceeding to organize the company. A president, six managers, and a treasurer to be chosen by ballot. Company may make by-laws, &c. not inconsistent

1815.



with the laws of this state. No person to have more than ten votes. 4. Stockholders to meet annually on the 4th Monday in December, to choose officers, &c. 5. Certificates of stock to be issued and be transferable, &c. 6. Five members of the board of managers to be a quorum, with power to appoint agents, &c. and fix their salaries, fix the time of paying instalments, &c. 7. Penalty for neglecting to pay instalments. 8. President, managers, &c. to keep accounts of monies received and expended, and exhibit them to the stockholders at their annual meetings. Shares may be increased if necessary. 9. Property in the bridge when completed at least twenty one feet wide in the clear, &c. vested in the company. Rates of toll. No toll to be demanded from any person attending funerals or walking in military procession, or from persons belonging to the militia in going to or returning from muster, on days of training, nor going to or returning from public worship, nor children going to, or returning from school, nor persons going to, or returning from general elections.

Penalty for
illegal toll.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the said company, or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge, than what are herein before prescribed and specified, or shall neglect to keep the same in good repair, or keep a list of toll placed near the said bridge, on six days notice given by or from any justice of the peace in the county of Montgomery, they so offending, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered as debts of the same amount are by law recoverable, one moiety thereof to go for the use of the poor of the county in which the suit may be brought, and the other moiety for the use of the person who shall sue for the same, but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

SECT. 11. [President, directors, &c. to keep accounts of tolls, &c. received and declare dividends of the clear profits semi-annually. 12. Abstract of accounts to be laid before the legislature every five years. Provisions for increasing and reducing tolls. 13. Work to be commenced in two, and completed in five years. Company not to issue bank notes, nor do banking business. Privileges to be forfeited if abused.]

Penalty in-
juring the
bridge.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of said bridge, or any toll-house, gates, bars or other property of the said corporation, appurtenant to, or erected for the use and convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully and without the consent and orders of said corporation, or any person or persons authorized by them, deface or destroy the letters or figures or other characters, in any written or printed list of the rates of toll, affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to said corporation, the sum

of twenty dollars, to be recovered, on conviction, before any justice of the peace, as debts of like amount are recoverable; but no suit shall be brought, unless commenced within thirty days after such offence shall have been committed, and he, she or they so offending shall remain liable to actions, at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That the suit last herein mentioned, shall be brought within thirty days after such conviction had before any justice of the peace as aforesaid, and not otherwise. 1815.

Proviso.

SECT. 15. [Company for erecting a bridge over the Susquehanna at M'Calls ferry to hold their annual meeting for electing officers, &c. on the third Tuesday in May. Part of the former act on that subject repealed 30th of March, 1811, (vol. 5, p, 222.)]

Passed 11th March, 1815.—Recorded in Law Book No. XV. p. 239.

CHAPTER 4096.

An act to ascertain the boundary line of a tract of land in York county called, "Solitude."

WHEREAS, it hath been represented to the legislature, by the petition of sundry inhabitants of York county, that a tract of land called Solitude, situate in Lower Chanceford Township, in the county aforesaid, hath been surveyed and patented agreeably to the laws of the state, (formerly the province of Maryland) before the boundary line of this state and that of Maryland was finally ascertained: And whereas, none of the lines of the said tract are marked, or any corner fully known except the beginning or bounding corner, and a law is prayed for to ascertain the same, which appears just and right: Therefore,

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That the surveyor general of this commonwealth be authorized, and he is hereby required, on the application of any person, and at the proper charges and expense of the holders of lands within the tract of land called Solitude, situate in the county of York, to issue his order to the deputy surveyor of the said county, to survey the same, and ascertain the number of acres therein contained, over and above the quantity mentioned in the original patent, and make return thereof into the surveyor general's office, and the surveyor general shall certify the same to the secretary of the land office, and upon the payment of the customary price of lands of the date of the said patent, with interest for the said surplus, it shall be deemed and taken to be in full of all claim and demand of this commonwealth, of, in and to, the land contained within the said lines, as fully and completely as if patents had issued for the same, and the said holders of the said lands respectively, shall hold the same agreeably to their respective surveys without any further demand whatsoever of, or from, this commonwealth according to their respective deeds; and the said lines, marked and known as aforesaid, shall forever be the

Solitude tract of land to be surveyed.

Duty of surveyor.

Land holders

1815:
Proviso.

boundary of the said tract of land called Solitude, any variance in the boundary hereby established, from any former survey or reputed boundary of the said tract of land, notwithstanding: *Provided*, That nothing in this act contained, shall, in anywise, injure or impair the title of any person to the land contained within the said limits or any part thereof.

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 250.

CHAPTER 4097.

An act to enable John L. Finney, to transcribe deed book A. in the recorder's office in Northumberland county.

SECT. 1. [AUTHORIZED to transcribe deed book A. to be inspected and compared with the original by the commissioners, and so certified, &c.]

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 251.

CHAPTER 4104.

[Sup.ch.4326
see also ch.
4655.]

An act concerning divorces.

WHEREAS, the divine precepts of the christian religion, the promotion of the best interests of human happiness, the design of marriage, and the object of parties entering into the marriage state, require that it should continue during their joint lives: Yet where one of the parties is under a natural or legal incapacity of faithfully discharging the matrimonial vow, or is guilty of acts inconsistent with the sacred contract, the laws of every well regulated society should give relief to the innocent and injured party.

Causes of
divorce.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* when a marriage hath been heretofore, or shall hereafter be contracted and celebrated between any two persons, and it shall be judged in the manner herein after mentioned, that either party, at the time of the contract, was and still is naturally impotent or incapable of procreation, or that he or she hath knowingly entered into a second marriage, in violation of the previous vow, he or she made to the former wife or husband, whose marriage is still subsisting, or that either party shall have committed adultery, or wilful and malicious desertion and absence from the habitation of the other, without a reasonable cause, for and during the term and space of two years, or when any husband shall have, by cruel and barbarous treatment, endangered his wife's life, or offered such indignities to her person, as to render her condition intolerable and life burthensome, and thereby force her to withdraw from his house and family, in every such case it shall and may be lawful for the innocent and injured person to obtain a divorce from the bond of matrimony.*

* If husband maliciously abandons his family, or turns his wife out of doors, or by cruel treatment endangers her life, or offer such indignities to her person, as to

SECT. 2. *And be it further enacted by the authority aforesaid,* 1815.

That if any person hath been or shall be injured as aforesaid, the husband in his own proper person, or the wife by her next friend, may exhibit his or her petition or libel, to the judges of the Court of Common Pleas of the proper county where the injured party resides, in term time, or to one of the judges of the same court in the vacation, at least thirty days before the next term, setting forth therein particularly and specially, the cause of his or her complaint, and shall, together with such petition or libel, also exhibit an affidavit, on oath or affirmation, taken before one of the same judges or a justice of the peace of the proper county, that the facts contained in said petition or libel are true, to the best of his or her knowledge and belief, and that the said complaint is not made out of levity or by collusion between the said husband and wife, and for the mere purpose of being freed and separated from each other, but in sincerity and truth for the causes mentioned in the said petition or libel, and thereupon a subpœna shall issue from the said court, signed by one of the judges thereof, directed to the party so complained against, commanding him or her to appear at the next or any subsequent Court of Common Pleas, to answer the said petition or libel, and upon due proof, at the return of the said subpœna, that the same shall have been served personally on the said party, wherever found, or that a copy had been given to him or her fifteen days before the return of the same, the said court shall and may make such preparatory rules and orders in the cause, that the same may be brought to a hearing, and determined at the term to which the said process may be returnable, or afterwards, at which hearing the court may determine the same, *ex parte*, if necessary; but if either of the parties shall desire any matter of fact, that is affirmed by the one and denied by the other, to be tried by a jury, and issue shall be formed, and the same shall be tried accordingly, but when neither of the parties require an issue to be so formed, the court may enquire and decide upon the case in the presence of the parties, or if either of them will not attend, then *ex parte*, by the examination of witnesses on interrogatories, exhibits or other legal proof, had either before or at the hearing.

Party injured
to petition &c

Controverted
facts to be
tried by jury.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if upon the return of the said subpœna, proof shall be made, that the said party could not be found in the said county an alias subpœna shall issue, returnable the first day of the next or any subsequent term, and be served personally in manner aforesaid, and if so served, the same proceedings shall be had as are directed and authorized in the second section of this act; and it, on the return of the said alias subpœna, proof shall be made, that the said party

Process of
subpœna

Alias.

render her condition intolerable or life burthensome, and thereby force her to withdraw from his house and family, the courts of C. P. authorized to grant a divorce, and allow alimony, not to exceed one-third of the annual income of the husband's estate to continue until reconciliation, or until he shall offer by petition to receive and cohabit with her, and use her as he ought, then the court may either suspend, or in case of her refusal, to annul the sentence, or if he fail in the performance of his offers, to revive the former sentence and order arrears of alimony to be paid, (ch. 4326.)

1815.

could not be found in the said county, the sheriff of the same shall cause notice to be published in one or more newspapers printed within or nearest to the said county for four weeks successively, prior to the first day of the then next term of said court, requiring the said party to appear on the said day, to answer to the said complaint, at which term, or any subsequent term, the same proceedings shall be had as are authorized and directed by the second section of this act.

Evidence of adultery.

SECT. 4. *And be it further enacted by the authority aforesaid,* That when either party shall have been convicted and sentenced for adultery, the records of the said conviction shall be received in evidence, on any application for a divorce by the injured party.*

Consanguinity or affinity cause of divorce.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all marriages within the degree of consanguinity, or affinity, according to the table established by law,† are hereby declared void to all intents and purposes; and it shall and may be lawful for the Courts of Common Pleas of this commonwealth, or any of them to grant divorces from the bonds of matrimony in such cases; and the parties shall be subject to the like penalties as are contained in the act against incest:‡ but when any of the said marriages shall not have been dissolved during the life time of the parties, the unlawfulness of the same shall not be enquired into after the death of either the husband or wife.

No adultery if party marry on rumour of the death &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any husband or wife, upon any false rumor, in appearance well founded, of the death of the other (when such other has been absen. for the space of two whole years) hath married, or shall marry again, he or she shall not be liable to the pains of adultery, but it shall be in the election of the party remaining unmarried, at his or her return, to insist to have his or her former wife or husband restored, or to have his or her own marriage dissolved, and the other party to remain with the second husband or wife, and in any suit, or action, instituted for this purpose within six months after such return, the court may and shall sentence and decree accordingly.

Recrimination, a bar &c

SECT. 7. *And be it further enacted by the authority aforesaid,* That in any action or suit commenced in the said court by judgment for the cause of adultery, if the defendant shall at the time prove that the plaintiff has been guilty of the like crime capable admitted the defendant into conjugal society, or embraces, after he or she knew of the criminal fact, or that the said plaintiff, (if the husband) allowed of the wife's prostitution, or received hire for them, or exposed his wife to lewd company, whereby she became ensnared to the crime aforesaid, it shall be a good defence and a perpetual bar against the same.

Court to determine, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said courts, after hearing any cause, commenced before them, by virtue of this act, to de-

* If a husband has access to the wife, nothing but absolute impotence can bastardize the issue, but if they be at a distance from each other, so that access is impronable, the question of legitimacy may be decided on consideration of all circumstances. 6 Bin. 283.

† Vol. 1, p. 26.

termine the same as to law and justice shall appertain, by either dismissing the petition or libel, or sentencing and decreeing a divorce and separation from the nuptial ties or bonds of matrimony, or that the marriage is null and void, and that after such sentence, nullifying or dissolving the marriage, all and every the duties, rights and claims accruing to either of the said parties at any time theretofore, in pursuance of the said marriage, shall cease and determine, and the said parties shall severally be at liberty to marry again in the like manner as if they never had been married.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the husband or wife, who shall have been guilty of the crime of adultery, shall not marry the person with whom the said crime was committed, during the life of the former wife or husband: but nothing herein contained shall be construed to extend to or affect or render illegitimate any children born of the body of the wife during coverture. Party guilty of adultery not to marry person with whom committed.

SECT. 10. *And be it further enacted by the authority aforesaid,* That when any woman shall be divorced as aforesaid, and shall afterwards openly cohabit, at bed and board, with the person named in the petition or libel, and proved to be the partaker in her crime, she is hereby declared to be incapable to alienate, directly or indirectly, any of her lands, tenements, or hereditaments, but that all deeds, wills, appointments and conveyances thereof, shall be absolutely void and of none effect, and after her death, the same shall descend and be subject to distribution in like manner as if she had died seized thereof intestate. After divorce woman living with her paramour, incapable of alienating her lands, &c.

SECT. 11. *And be it further enacted by the authority aforesaid,* That no person shall be entitled to a divorce from the bond of matrimony, by virtue of this act, who is not a citizen of this state, and who shall not have resided therein at least one whole year previous to the filing his or her petition or libel. Citizens of the state only entitled to a divorce, &c.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said court may award costs to the party in whose behalf the sentence or decree shall pass, or that each party shall pay his or her own costs, as to them shall appear to be reasonable and just. Costs.

SECT. 13. *And be it further enacted by the authority aforesaid,* That either of the parties, in any suit or action now depending, or that shall hereafter be brought under this act, after the final sentence or decree given, may appeal therefrom to the Supreme Court of the proper district, upon entering into a recognizance before one of the judges of the Court of Common Pleas before whom the cause shall have been tried, with at least one good surety, in a sum double the amount of the costs incurred, conditioned to prosecute the said appeal with effect, and the same appeal shall be prosecuted in the usual manner; and the judges of the Supreme Court shall transmit the record, with their judgment thereon, with all the proceedings, as in other cases, to the court below, to be carried into effect.* Appeal

* No appeal allowed unless entered within one year from date in the final decree, (ch. 4655)

1815.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the "Act concerning divorces and alimony," passed the nineteenth of September, one thousand seven hundred and eighty-five, and a supplement to the act, entitled "An act concerning divorces and alimony," passed the second day of April, one thousand eight hundred and four, and so much of the act, entitled "An act against incest," as is hereby altered or supplied, be, and they are hereby repealed: *Provided*, That the repeal of the said acts shall not affect any cause or proceeding now pending or commenced under the said acts, but the same shall be finished and concluded under and agreeably to the provisions of this act, nor shall this act be taken or construed to affect any proceedings under the poor laws of this commonwealth.

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 259.

NOTE.—See vol. 2, p. 343 for notes to the former law.

A divorce from the bond of matrimony does not discharge the wife's right, as survivor to a recognizance taken in the Orphans Court in the name of husband and wife, for the wife's share of land, 2 Serg. and Rawle, 491.

Where the mother of two female children had been divorced from her husband on account of her adultery, the court on a *habeas corpus* delivered them to the father; the children no longer requiring those attentions which a mother only can properly bestow, and having arrived at an age when their morals were likely to be injured by bad example. 2 Serg. and Rawle, 174. 5. Bin. 520.

A proceeding was commenced by the

wife, under the act (vol. 2, p. 343,) for a divorce from bed and board and alimony according to the provisions of that act. While the suit was pending the act in the text was passed, which repealed the first act, and allowed a divorce *a vinculo matrimonii*, in cases in which by that act a divorce from bed and board, and alimony were given, but provided that cases already begun under it, should not be affected by the repeal. The court held that a divorce *a vinculo matrimonii* might be decreed, but not a divorce from bed and board, and alimony, and that a decree that the wife should not have alimony was imperfect and must be returned to the court of C. P. either to give a complete decree or suffer her to withdraw her petition. 3 Serg. and Raw. 248.

CHAPTER 4105.

An act to authorize the governor to incorporate the president, managers and company of the Mill creek turnpike road.

SECT. 1. [COMMISSIONERS to receive subscriptions. Form. Shares twenty dollars. Notice to be given of the time and place of opening books. To be closed when 600 shares subscribed. May be transferred, &c. Two dollars a share to be paid on subscribing. 2. Company may be incorporated when 150 shares subscribed. Style to be "The President Managers and Company of the Mill creek Turnpike road." Usual corporate privileges. 3. Proceedings to organize the company and elect officers, &c. Company may make by-laws, &c. To have like privileges, &c. as the Centre Turnpike Company (vol. 4, p. 227.) Road not required to be cut more than twelve feet wide where it passes through solid rocks. No toll to be demanded from any person passing from one part of his farm to another, or to or from any place of worship, funeral, mill, school, election, or training. Road to be commenced in three, and finished in six years. 4. As soon as five miles are completed, notice to be given to the governor, who shall appoint viewers, and

upon their reporting severally, shall grant a license to erect gates and demand toll.] 1815.

Passed 13th March 1815.—Recorded in Law Book No. XV. p. 266.

CHAPTER 4106.

A supplement to the act for the relief of insolvent debtors.

[Ch. 3926.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the like benefit and relief, which by the act to which this is a supplement, may or can be afforded to any person who shall have resided within this state, for six months immediately preceding his or her confinement, shall be extended and offered, under the same rules, regulations, exceptions and restrictions, and on the same terms and conditions, to all and every person or persons, notwithstanding he, she or they has or have not resided, or shall not have resided within this commonwealth for any time before his, her or their imprisonment: *Provided,* That no person who shall not have resided within this commonwealth for six months immediately preceding his or her confinement, shall be permitted to present his or her petition to the Court of Common Pleas, until he or she shall have been confined in jail for three months next preceding the presenting of such petition.

Relief of non-resident prisoners

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 271.

NOTE.—See ch. 3926, and notes thereto.

CHAPTER 4108.

An act to provide for the preservation of arms, camp equipage, and other military property belonging to this commonwealth.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be and he is hereby authorized and required, immediately after the passing of this act, to call upon the several brigade inspectors within this commonwealth, to make out a true list of all the arms, camp equipage and military stores of every description, the property of this commonwealth, within the bounds of their respective brigades, and make return thereof to him on or before the first day of June next; and he shall take such further measures as may appear necessary for the security and preservation thereof, and may direct the sale of such of the property, implements and military stores aforesaid as are of a perishable nature and not suitable for military purposes: *Provided,* That it shall be his duty to give information to the next legislature of whatsoever he shall have done under the provisions of this act, stating particularly the number of arms, the quantity, and different kinds of camp equipage and military stores, and the state of preservation and repair in which they may then respectively be.

Public property reports of, &c.

1815.

SECT. 2. And be it further enacted by the authority aforesaid, That the governor be, and he is hereby authorised, to draw his warrants upon the treasury for such sums, and at such times, as will best enable him to carry into effect the provisions of this act.

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 273.

NOTE—Sec 57th sect. act for the regulation of the militia ch. 5078 and ch. 4221.

CHAPTER 4110.

An act authorizing the Court of Quarter Sessions, in Allegheny county, to regulate the Ferries within the same.

SECT. 1. BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be the duty of the Court of Quarter Sessions, in and for the county of Allegheny, and they are hereby authorized or fix the rates to tolls of all ferries in the said county, and, as occasion may require, make such other rules and regulations, with respect to the said ferries, as to them may appear necessary and proper.

Passed 13th March 1815.—Recorded in Law Book No. XV. p. 276.

CHAPTER 4112.

An act granting further powers to the president, managers and company of the Centre turnpike road, leading from Reading to Sunbury, and the president, managers and company of the Perkiomin and Reading turnpike road.

SECT. 1. [THE Centre turnpike company (vol. 4, p. 227,) authorized to extend the road into the borough of Reading, to the intersection of Callowhill and Margaret street. No gate to be erected within Orwigsburg. 2. The Perkiomin and Reading Turnpike Company, (vol. 5, p. 146.) authorized to extend the road into Reading, to the intersection of Penn and Prince street. No gate to be erected within Reading. 3. This company to have like power as those given to the Berks and Dauphin turnpike (vol. 4, p. 216,) or may at their discretion demand from every person using the road with a wagon drawn by 4 horses ; the breadth of the wheels shall be less than 4 inches for every five miles one cent additional for each horse.]

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 279.

CHAPTER 4113.

An act providing for repairing the State House in the city of Philadelphia.

Passed 28th March, 1815.—Obsolete.—Recorded in Law Book No. XV. p. 280.

NOTE.—Since sold to the corporation of the city of Philadelphia, (ch. 4206,) and possession delivered, (ch. 4568.)

To fix rate
of toll.

An act to enable the governor to incorporate a company to make an artificial road, commencing where the Flat Rock bridge road intersects the Ridge turnpike road, near Robinson's mill, from thence up the river Schuylkill to said bridge, from the west end of the bridge up the river Schuylkill to the Gulph creek, thence the shortest and best route to the Gulph road, near the bridge below the Bird-in-Hand tavern, in Montgomery county.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares fifty dollars. Route of road. Notice to be given of the time and place of opening books. Books to be closed when 900 shares are subscribed. Five dollars a share to be paid on subscribing. 2. When 450 shares are subscribed, commissioners may certify the same to the governor, who shall incorporate the subscribers by the name of "The President, Managers and Company of the Flat Rock Bridge Turnpike Company," with the usual corporate powers. 3. Proceedings to organize the company. A president eight managers and treasurer to be chosen by ballot. Company may make by-laws, &c. To have the same privileges, and be subject to the same restrictions as the Great Valley and Wilmington turnpike company. (Vol. 5, p. 280.) Road to be commenced in three, and finished in seven years.]

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 282.

CHAPTER 4118.

An act for the further establishment and regulation of election districts.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That ^{Beaver.} each township in the county of Beaver, shall be a separate election district, and shall hold their general elections at the places herein after mentioned, that is to say, The electors of the borough and township of Beaver, shall hold their general elections at the court house in said borough; the electors of the township of Moore, at the house now occupied by Thomas Moore; the electors of the township of Hopewell, at the house lately occupied by Robert Walker, deceased; the electors of the township of Hanover, at the house now occupied by John Boyd; the electors of the township of Greene, at the house lately occupied by James Preston, in Hoaks-town; the electors of the township of Ohio, at the house now occupied by Samuel Ewing; the electors of the township of South Beaver, at the house now occupied by William Rayl; the electors of the township of Big Beaver, at the house now occupied by Hugh Marshall; the electors of the township of Little Beaver, at the house now occupied by Robert Moore; the electors of the township of North Beaver, at the house now occupied by John Dunnan; the electors of the township of Shenango, at the house now occupied by James Clarnack; the electors of the township of North Sewekly, at the house now occupied by John Hazen; and the electors of the township of New Sewekly, at the house now occupied by Stanton Sholes.

1815.

Westmore-
land.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the township of Franklin, in the county of Westmoreland, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Hutcheson, in said township.

Washington.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the township of Somerset, in the county of Washington, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by George M'Ilvain, in said township.

Northumber-
land.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the electors in the township of Augusta, in the county of Northumberland, shall hold their general elections at the court house in the borough of Sunbury, in said county.

Northumber-
land.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the township of Little Mahanoy, in the county of Northumberland, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Conrad Reaker, in said township.

Lycoming.

SECT. 6. *And be it further enacted by the authority aforesaid,* That that part of Dunstable township, in the county of Lycoming, beginning at the mouth of Furnay's run, at the west branch of the Susquehanna river, about thirteen miles above Dunsburg, thence a north-west course to the Beach line of said township, thence along and up the said township line, to take in all the electors of that part of said township, is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Quigley, in Youngwomanstown, in said township.

Wayne.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the township of Palmyra, in the county of Wayne, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by William Purdy, in said township.

Berks.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the township of Ruscombmanor, in the county of Berks, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jonathan Price, inn-keeper, in said township.

Huntingdon.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the township of Franklin, in the county of Huntingdon, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Christian Huet, in said township.

Dauphin.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the electors of the township of Upper Paxton, in the county of Dauphin, shall hold their general elections at the house now occupied by Jonathan Collier, in Millersburg, in said township.

Susquehanna

SECT. 11. *And be it further enacted by the authority aforesaid,* That the township of New Milford, in the county of Susquehanna, shall be a separate election district, and the electors thereof shall

hold their general elections at the house now occupied by Hezekiah Leech, in said township. 1815.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the electors of Shenango township, in the county of Mercer, shall hold their general elections at the house now occupied by James Sample, in said township. Mercer.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the electors of Sandy creek township, in the county of Mercer, shall hold their general elections at the house now occupied by Jacob Williamson, in said township. Mercer.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the electors of Richland township, in the county of Venango, shall hold their general elections at the house now occupied by William M'Call, in said township. Venango.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the township of South Huntingdon, in the county of Westmoreland, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Robertson, inn-keeper in said township. Westmoreland.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the township of East Huntingdon, and that part of Hempfield township south of Seweekly, and that part of Mount Pleasant township, which is now attached to South Huntingdon district, in the county of Westmoreland, shall be a separate election district and the electors thereof shall hold their general elections at the house now occupied by Charles Foolwood, in the town of Mount Pleasant. Westmoreland.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the electors residing in that part of Wayne township, in Lycoming county, which lies west of Curt's run, shall elect with the electors of Dunstable township, at the general elections. Wayne.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the electors of the sixth election district in the county of Erie, composed of the townships of Waterford, Labœuff and Beaver-dam, shall hold their general elections at the house of Samuel Graham, in the town of Waterford. Erie.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the electors of the ninth election district, of the county of Washington, shall hold their general elections at the house now occupied by David Sights, in said district. Washington.

SECT. 20. *And be it further enacted by the authority aforesaid,* That the township of Franklin, in the county of Adams, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Marks, in the said township. Adams.

SECT. 21. *And be it further enacted by the authority aforesaid,* That Upper Mahantango township, in Schuylkill county shall be a separate election district, and the electors thereof shall hold their general elections at the house of Peter Yoder, in said township. Schuylkill.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the electors of Plymouth township, and that part of the township of Bedford, lying back of the township of Plymouth, Luzerne Bedford.

1815. county, shall be a separate election district, and the electors thereof shall hold their general elections at the academy school house, in the township of Plymouth.

Luzerne. SECT. 23. *And be it further enacted by the authority aforesaid,* That the electors of Sugar-Loaf township, in Luzerne county, shall hold their general elections at the school house in the town of Conyngham, in said township.

Luzerne. SECT. 24. *And be it further enacted by the authority aforesaid,* That the electors of Huntingdon township, in Luzerne county, shall hold their general elections at the house now occupied by Stephen Harrison, in said township.

Repeal of parts of former laws. SECT. 25. *And be it further enacted by the authority aforesaid,* That so much of any former law or laws, as is hereby altered or supplied, be, and the same is hereby repealed.

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 290.

CHAPTER 4119.

[Ch. 3872.] A supplement to the act, entitled "An act providing for the inspection of spirituous liquors," passed the fourteenth day of March, one thousand eight hundred and fourteen, and for the prevention of fraud in the purchase or sale of flour or whiskey.

Fine on holders of liquors under proof. SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to impose upon the holders of such liquors, which shall have been marked according to law, where, upon subsequent inspection, the proof thereof shall be found to be two degrees under the proof originally marked, a fine of two cents per gallon, for three degrees, six cents per gallon, and so on in that ratio.

Gaugers and inspectors to seize, &c. SECT. 2. *And be it further enacted by the authority aforesaid,* That the gaugers and inspectors, appointed in compliance with the law to which this is a supplement, be, and the same are hereby authorized to seize, for the purpose of securing the fines imposed, by law, all domestic liquors found on board of any vessel, craft or otherwise about to leave the port of Philadelphia, which shall not have been previously inspected and marked as the law directs and shall also have power to examine, for the purpose of ascertaining whether said liquors are of domestic manufacture or not.

Compensation to gaugers and inspectors. SECT. 3. *And be it further enacted by the authority aforesaid,* That the gaugers and inspectors, who have been or who may hereafter be appointed by the governor of this commonwealth, shall receive twenty cents as a compensation for gauging, inspecting, marking and recording each cask of liquors, to be paid agreeably to the provision of the original act.

To appoint deputies. SECT. 4. *And be it further enacted by the authority aforesaid,* That the inspectors and gaugers appointed by law, may, jointly, appoint one or more deputies, who shall be sworn or affirmed, as the case may be, to perform his duty with fidelity: in the absence of the principals, he shall have like powers and authority, and be subject to the like penalties.

SECT. 5. *And be it further enacted by the authority aforesaid,* 1815.
That all marks made by the inspector or deputy, on any casks, shall be removed or taken off so soon as the liquor they contained shall have been taken out, under a penalty of five dollars, to be recovered from the owner or person who may have possession of said cask or casks, before any alderman or justice of the peace in the city or county of Philadelphia. Marks to be taken off when liquor is taken out, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,*
That all liquors sold by inspection, in the port of Philadelphia, shall be gauged and inspected by the gaugers and inspectors legally appointed for that purpose; but if any other person or persons shall mark the proof on any cask of domestic liquors, which may be sold or offered for sale, he, she or they so offending, shall forfeit and pay a fine of ten dollars for every cask or casks so gauged and inspected. Penalty on marking casks.

SECT. 7. *And be it further enacted by the authority aforesaid,*
That the following shall be received and taken as a standard regulation, for the inspectors of domestic manufactured liquors, that is to say, When liquor shall be fifteen degrees below hydrometer proof, it shall be marked as liquor of the first proof; when liquor shall be ten degrees below hydrometer proof, it shall be marked as liquor of the second proof; when liquor shall be five degrees below hydrometer proof, it shall be marked as liquor of the third proof; and when liquor shall be hydrometer proof, or one hundred parts spirit, and one hundred parts water, it shall be marked as liquor of the fourth proof. Standard regulations.

SECT. 8. *And be it further enacted by the authority aforesaid,*
That if any person or persons shall fraudulently give, or offer to give, to any driver or person having charge of any waggon or other carriage, any sum or sums of money, for the purpose of obtaining whiskey or flour, entrusted to the care of such driver or person having charge of a waggon, at any sum below the market price of the day, or shall wilfully make out any bill or bills, without stating the full amount so paid, shall pay a sum not exceeding one hundred dollars, for the use of the person injured, to be recovered before any alderman or justice of the peace, as debts of equal amount are by law recoverable. Penalty on waggons, &c selling under market price.

SECT. 9. *And be it further enacted by the authority aforesaid,*
That if any driver or person having charge of any waggon or other carriage, shall fraudulently take or receive any sum or sums of money from any person or persons, as an inducement for selling any whiskey or flour, under the market price of the day, and not make return thereof to the proper owner of such whiskey or flour, and the facts thereof being proven before any alderman or justice of the peace, in any county within this commonwealth, he shall pay to the person injured, the amount of the sum so received, together with seventy-five cents per day for every day such injured person may necessarily spend in recovering the same, to be recovered as debts of equal amount are by law recoverable; and such driver or person having charge of a waggon, shall be answerable to his employer, over and above, for all damages which he may sustain by reason of any such breach of trust. Appropriation.

SECT. 10. *And be it further enacted by the authority aforesaid,*

1815.

Repeal.
Ch. 3872.

That so much of the original act, to which this is a supplement, as prohibits the exportation of domestic liquors, unless in casks wholly made of white oak, be repealed, so far as relates to the heading, and every other part of the act which is altered or supplied, be and the same is hereby repealed.

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 295.

NOTE.—See ch. 3872 and notes thereto.

CHAPTER 4120.

[See intestate
law, vol. 3,
p. 143, and
notes thereto.]

An act for the settlement of the estates of intestates, where some of the heirs reside out of the state.

WHEREAS, considerable inconvenience has arisen, and may hereafter arise, by reason of persons dying intestate, leaving heirs, some of whom reside out of this state, who have been advanced in the lifetime of the intestate, and who refuse or do not come forward to make known the amount of their advancements and settle the estate; and the administrators cannot, for this reason, settle their accounts, they not being able to ascertain what the distributive shares will amount to; and there existing no power in the Orphans' Court, under the laws of this commonwealth, to grant relief: Therefore,

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* when any person has died intestate, or may hereafter die intestate, within this commonwealth, and any of his or her heirs reside out of this state, and advancements have been made by the intestate in his lifetime, to any of the said heirs, and the estate remains unsettled for the space of one year after the decease of such intestate, the Orphans' Court of the county wherein the letters of administration may have been granted, upon application of the administrators, or any one of them, for that purpose, shall appoint three disinterested persons as auditors, to settle the amount of the advancements made to the heirs respectively, and to apportion the amount of the distributive share of the intestate's estate, to which the heirs respectively may be entitled, and the said auditors shall fix a day upon which they will meet, which shall not be less than four months, nor more than six months from the time of their appointment: and when the said auditors shall have fixed upon the said day, and have given notice thereof to one or more of the administrators, it shall be the duty of the administrator or administrators, to give notice to the respective heirs who reside in this state, of the time and place of the meeting of the said auditors, for the purpose aforesaid: *Provided*, That the notice as to those whose residence is unknown, or who reside out of this state, shall be sufficient if published at least once a week for four months, successively, in at least one newspaper printed in the county where the letters of administration may have been granted, or if there be none therein, then in the county nearest thereto wherein a newspaper may be published, and at least once a week, for four months suc-

Orphans' court to appoint auditors to settle advances to heirs out of the state.

Administrators to give notice to resident heirs of the meeting of auditors.

When residence not known notice in papers.

cessively, prior to the day fixed on for the meeting of the auditors for the purpose aforesaid, in one daily newspaper of the city of Philadelphia: and the said auditors having met at the time and place appointed, and being sworn or affirmed to perform their duty with impartiality and fidelity, shall, after being satisfied that the notices were served on the several heirs, or publication made in the newspapers agreeably to the directions of this act, proceed to ascertain and settle the amount of the advancements made to the heirs, and also ascertain the amount of the distributive share of the intestate's estate to which the heirs respectively shall be entitled, according to the evidence laid before them: and the said auditors having met as aforesaid, may adjourn from time to time, or in case two of them only should meet at the time appointed, it shall and may be lawful for the two attending auditors to appoint a third person as auditor, who shall be sworn or affirmed as aforesaid, to perform the duties aforesaid. And the auditors appointed as aforesaid, after hearing and examining the evidence laid before them, shall make a report of their proceedings to the stated Orphans' Court of the proper county, which report shall be confirmed by the judges of the said court, and be conclusive and binding on the heirs, unless it be made appear to the satisfaction of the said judges, that injustice will be done by the confirmation of the same, in which case other auditors shall be appointed by the said court for the purposes aforesaid.

1815.

Auditors
may adjourn.Report to
Orphans'
Court.

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 299.

NOTE—When the accounts of guardians, executors or administrators, are finally settled, according to law, and confirmed: no appeal therefrom, unless the same be entered within one year after confirmation; (ch. 4655.)

As to proceedings in the Orphans' Court, so far as the same respects the valuation, sale, partition, &c of the estate of the intestates, see ch. 4937. Binney's reports, vol. 4, 225, vol. 5, p. 1; vol. 6, p. 483. 1 Serg. and Rawle, 467. vol. 2, p. 473. vol. 3, p. 234, 533. vol. 4, 192.

Right of administrator to retain and the legal acceptance of the term "servant," in the intestate act, giving a preference in the payment of debts. 5 Bin. 168.

The form, operation and effect of a recognizance in the Orphans Court. 1 Serg. and Rawle 497. 2 Serg. and Rawle, 491.

Settlement of the accounts of executors, administrators and guardians, ch. 4655. See also 2 Serg. and Rawle, 518, 548, 3 vol. 200; 4 vol. 112, 248; 1 Dall. 164

The Supreme Court will not entertain an appeal even with consent of parties, from the judgment of the Orphans' court entered *pro forma* and without prejudice. The court can know of no such decree. Proceeding of that kind tends to constitute the Supreme Court a court of original jurisdiction: 3 Serg. and Rawle, 92.

CHAPTER 4123.

An act to amend the act, entitled "An act directing the mode of selling unseated lands for taxes, and for other purposes. [Vol. 4, p. 201, sup. ch. 4361, 4565.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the treasurers of the several counties in this commonwealth, shall be, and they are hereby respectively authorized and directed, to commence on the second Monday in June, in the year one thousand eight hundred and sixteen, and at the expiration of every two years thereafter, and adjourn from day to day, if it shall be found necessa-

Treasurers to
sell land for
taxes, and
make deeds.

1815.

Sixty days
notice.Penalty \$50
but neglect
not to invali-
date sale.

ry so to do, and make public sale of the whole or any part of such tracts of unseated lands, situate in the proper county, as will pay the arrearages of the taxes, any part of which shall then have remained due and unpaid for the space of one year before, together with all costs necessarily accruing by reason of such delinquency, and to make and execute a deed or deeds, in fee simple, in the manner directed by the act to which this is a further supplement; and it shall be the duty of the said county treasurer, to give at least sixty days notice of the time and place of such sales, the township or townships in which the said tracts of land are respectively situated, the number of acres contained in each tract, and the names of the warrantees or owners thereof, and the sums due upon each tract for taxes, at least four times in one daily newspaper in the city of Philadelphia, and in one other newspaper in or nearest to the county where such lands lie, under the penalty of fifty dollars, in each and every case, to be recovered by the owner or owners of the land sold as aforesaid, as debts of like amount are by law recoverable, but the neglect of such treasurer to cause the said publications to be made, shall not, in any case, invalidate any sale made in pursuance of the provisions of this act.*

How title to
be completed
on the death
of treasurer,
&c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, when any treasurer who shall have made sale of unseated lands as aforesaid, shall die or be removed from office, before any deed or deeds are executed by him to the purchaser or purchasers. then, and in every such case, it shall be the duty of the treasurer for the time being, to perfect such title and to execute a deed or deeds to the purchaser or purchasers, and they are hereby empowered and required, upon the full discharge and payment of the money or price for which the said lands were sold, with such costs and charges as remain unpaid to the former treasurer, to make, execute and acknowledge any deed or deeds and to perform and do all other matters and things that by the former treasurer might, could or ought to have been performed or done, which, when done, shall be held and adjudged as effectual in law as if the title had been completed by the former treasurer.†

Mode of re-
covering pur-
chase money
&c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the purchasers at treasurers sales as soon as any deed or deeds shall have been tendered, after the deeds are acknowledged in the Court of Common Pleas of the proper county, by the treasurer who made the sale, or his successor, as the case may be, to pay to the treasurer the amount of the purchase money, or such part thereof as shall be necessary to pay off the taxes and costs and also to pay, in addition, the sum of one dollar for the use of the prothonotary for entering the acknowledgment of the deed; and in

* Under the act of 1791, (vol. 3, ch. 1527,) a commissioners deed for the sale of lands for taxes, is not evidence if it be not proved that ten days notice was given of the sale, in three of the most public places in the county in which the lands lie. 2 *Serg. and Racle*, 472.

† His fees, advertising, including printer's charge, 50 cents; selling each tract or part thereof, 37½ cents; writing and signing deed, \$1 50; acknowledging the same, 25 cents; writing and filing bond to secure purchase money, 25 cents; (ch 3994.) One dollar for prothonotary entering acknowledgment. (ch. 4361.)

case the amount is not forthwith paid, it is hereby declared to be the duty of the treasurer to bring an action of debt, in the name of the proper county, for the same, in such courts as debts of equal amount are by law recoverable, and when judgment is obtained there shall be no stay of execution, nor shall it be competent for the defendant in such suit, to give in evidence, any irregularity in the assessments or proceedings of the commissioners or treasurer, touching any sale made in pursuance of this act.*

SECT. 4. *And be it further enacted by the authority aforesaid,* That if the owner or owners of lands sold as aforesaid, shall make, or cause to be made, within two years after such sale, an offer or legal tender of the amount of the taxes for which the said lands were sold, and the costs, together with the additional sum of twenty-five per cent on the same, to the county treasurer, who is hereby authorized and required to receive and receipt for the same, and to pay it over to the said purchaser upon demand, and if it shall be refused by the said treasurer, or in case the owner or owners of lands so sold, shall have paid the taxes due on them, previously to the sale, then, and in either of these cases, said owner or owners shall be entitled to recover the same by due course of law, but in no other case and on no other plea, shall an action be sustained, and it is hereby declared that so much of the act to which this is a supplement, as requires notice of the taxes being due and sale thereon, to be given in certain public newspapers, is repealed, and that no alledged irregularity in the assessment, or in the process or otherwise, shall be construed or taken to affect the title of the purchaser, but the same shall be declared to be good and legal: *Provided,* That where the owner or owners of land sold as aforesaid, shall at the time of such sale, be an orphan or orphans, or insane, and residing within the United States, two years after such disability is removed, shall be allowed such person or persons, their heirs or legal representatives, to bring their suit or action for recovery of the lands so sold, but where the recovery is effected in such cases, the value of the improvements made on the land so sold, after the sale thereof, shall be ascertained by the jury trying the action for recovery, and paid by the person or persons recovering the same; before he, she or they shall obtain possession of the lands so recovered.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any tract of unseated land, hereafter to be sold for taxes due at this time, or which shall hereafter be imposed, shall not have been bid for it a sum equal to the whole amount of taxes for which it shall have been advertised and the costs accrued, then, and in that case, it shall be the duty of the commissioners of the proper county or any one of them, to bid off the same, and a deed shall thereupon be made by the treasurer to the commissioners for the time being, and to their successors in office, to and for the use of the proper county, and it shall be the duty of the commissioners to provide a

* Purchaser to pay down the amount of purchase, or so much as shall be necessary to pay the taxes and costs, and one dollar for the prothonotary entering the acknowledgment of the deed; and, in case it is not paid forthwith, the sale may be avoided and the property again sold, (ch. 4361.)

Discretionary with the commissioners what lands they will purchase for the use of the county, (ch. 4361)

1815.

Not to be
taxed while
belonging to
county.

Five years af-
ter sale com-
missioners to
charge in se-
parate co-
lumn.

Lands may
be redeemed
in five years,
&c.

Reconvey-
ance.

Expiration of
five years,
commission-
ers to sell.

Tax may be
paid in ad-
vance.

Form of the
deed.

book, wherein shall be entered the name of the person as whose estate the same shall have been sold, the quantity of land, and the amount of taxes it was sold for, and every such tract of land shall not thereafter. so long as the same shall remain the property of the county, be charged in the duplicate of the proper collector; but for five years next following such sale, if it shall so long remain unredeemed, the commissioners shall, in separate columns in the same book, charge every such tract of land with reasonable county and road tax, according to the quality of the said land, not exceeding in any case the sum of six dollars for every hundred acres.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the right of redemption shall remain in the real owner of such land for five years after such sale, and on paying the treasurer of the county all the taxes and costs due thereon at the time of sale, and interest therefor for the same time, and also the taxes which shall have been assessed thereon from year to year after the sale, and interest of each assessment to be counted from the time it ought to have been paid, and on the production of the treasurer's receipt, the commissioners shall, by deed poll, endorsed on the back of the treasurer's deed to them, convey to the person who shall have been the owner of the land at the time of sale, or his legal representative, all the right and title which the county may have acquired under such sale as aforesaid; the monies so received for road taxes shall be paid to the supervisors of the roads of the township within which such lands shall lie, on orders to be drawn by the commissioners on the treasurer, to be applied by them in making and repairing the roads and highways in their respective townships.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if the owner of any such land shall not redeem the same within the period aforesaid, it shall thereafter be lawful for the commissioners to sell any such land, by public sale, and make a deed therefor to the purchaser, which shall be available in law, as well against the county as against the person or persons as whose estate the same had been sold, but no tract shall be sold for a sum less than the amount of taxes, cost and interest, which shall be due at the time of such sale by the commissioners, and such land shall thereafter be charged by the township assessors in the name of such last purchaser or redeemer, as other lands of equal value may be charged, and shall again be liable to be assessed and sold for taxes, agreeably to this act and the act to which this is a supplement.

SECT. 8. *And be it further enacted by the authority aforesaid,* That any board of commissioners may direct the treasurer of the proper county to receive in advance, for any term not exceeding six years, a sum which in their estimation shall be equal to the taxes that ought to be imposed on any such land or lands, during the period for which they shall so compound with the owner as aforesaid.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the form of the deed required by this act to be executed by the treasurer to the commissioners, may be in the following words, viz. "Whereas, a tract of unseated land containing
acres, situate township, in the county of

On a sale of unseated lands for taxes, if no tenant is on the land, the law will presume the purchaser for taxes to be in possession; and if he will not appear and defend his title, judgment will be given against him. (ib.)

1815.

Commissioners of Beaver and Butler authorized to commence sale of unseated land Proceedings thereon, (ch. 4325.)

Purchaser of lands at commissioners sales before 1800 authorized to demand money paid beyond the amount of taxes and costs, not paid to the real owners or into the county treasury; on neglect &c. to pay the same may be recovered as other sums are recoverable. Bond of indemnity to be given, (ch. 4399.)

When taxes have been assessed on donation land and which were by law ex-

empt and have been or may be refunded by the commissioners to any officer or soldier, the auditor general required to draw his warrant on the treasurer, in favour of the commissioners of the counties for the amount. A sum not exceeding 4000 dollars appropriated. If the aggregate amount so refunded is above that sum the same to be averaged among the counties. If any lands have been assessed fourfold under the act (vol. 4, p. 346) one-fourth only to be paid, ch. 4730. See 1 Serg. and Rawle 62.

CHAPTER 4124.

An act declaring Tioga river, in the county of Tioga, a public highway.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Tioga river, from the line of the state of New York, to Peter's Camp, in the county of Tioga, shall be, and the same is hereby declared a public highway, for the passage of rafts, boats and other water carriage, and it shall and may lawful for the inhabitants desirous of using the navigation of said river, to remove all natural and artificial obstructions which may be in the same, excepting bridges, dams for mills and other water works, and also to erect such slopes at the mill dams now built on said river, as may be necessary for the passage of rafts, boats and other water carriage: *Provided, Such* slopes be so constructed, as not to injure the work of said dams, or alter the head or fall of said stream: *And provided also, That* any person or persons owning or possessing lands on said river, shall have liberty to construct any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act of the general assembly of this commonwealth, passed the twenty-third day of March, one thousand eight hundred and three, entitled "An act

Vol. 4, p. 20.

to authorize any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams, for mills and other water works."

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 314.

CHAPTER 4125.

An act authorizing a review of part of a state road in Fayette and Greene counties.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the governor be, and he is hereby authorized to appoint three disinterested commissioners, one of whom shall be a practical surveyor, who shall meet at Plumpsock (or Middleton) in the county of Fayette, on or before the first Monday of September next, and proceed to review that part of the state road which has been laid out

Commissioners to be appointed.

by virtue of the first section of an act, entitled "An act to authorize the governor to appoint commissioners for the purpose of laying out a state road, from the southern turnpike road in the county of Somerset or Westmoreland, to intersect the United States' turnpike road from Cumberland to Wheeling, in the county of Fayette, and to appoint commissioners for the purpose of laying out a state road from the town of Indiana, in the county of Indiana, to intersect the state road leading from Milesburg to La Bœuff, between the mouth of Anderson's creek, in Clearfield county, and Milesburg in Centre county," passed April fourth, one thousand eight hundred and nine, which lies between the top of the hill east of Plumpsock (or Middletown,) Fayette county, and the United States' turnpike, and also that part which has been laid out pursuant to an act entitled "An act to authorize the governor to appoint commissioners for the purpose of laying out a state road," passed the thirty-first day of March, one thousand eight hundred and twelve, which lies between the United States' turnpike and Jefferson, in Greene county: And if they, or any two of them, shall be of opinion that the distance can be shortened, or the public benefited by changing the route of said road, so as the same shall pass through Merrittstown, they, or any two of them, shall proceed to survey the same, and shall cause a draft, with the courses and distances marked thereon, to be deposited in the office of the secretary of the commonwealth, and shall also deposit a copy thereof with each of the clerks of the Courts of General Quarter Sessions of the respective counties, which shall be a record of the said road; and the said road, from thenceforth, shall be, to all intents and purposes, a public highway, and shall be opened and repaired as required by the original acts by which the said road was laid, and the part or parts of said road or roads, which is thereby altered or relaid, be, and the same is hereby vacated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before they enter upon the duties of their appointment, shall take and subscribe, before some justice of the peace, an oath or affirmation, faithfully and impartially to perform the duties required of them by this act, and they shall each receive three dollars for each day they shall be necessarily employed in the said work, together with a reasonable allowance for chain carriers and one marker, and the accounts of the said commissioners shall be adjusted and settled by the county commissioners of Fayette and Greene, in proportion to the distance the said road passes through each county.

Passed 13th March, 1815 — Recorded in Law Book No. XV. p. 315.

1815.

Route may be altered.

Drafts to be deposited in the clerk's office.

Commissioners to be sworn, &c.

ACTS

OF THE

General Assembly of Pennsylvania,

Passed at a session which commenced on the 5th day of December, 1815, and ended the 19th March, 1816.

1816.

SIMON SNYDER, GOVERNOR.

JOHN TOD, SPEAKER OF THE SENATE.

REES HILL, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

CHAPTER 4130.

[Vol. 4, p.
27.]

A further supplement to an act, entitled "An act to enable the governor of this commonwealth to incorporate a company for making an artificial road from the intersection of Front street and the Germantown road in the Northern Liberties of the city of Philadelphia, through Frankford and Bristol, to the ferry at Morrisville on the river Delaware."

SECT. 1. [THE company authorized, whenever it appear by the abstract of the accounts of the road and of the bridge where it crosses Neshaminy, that the income of both will not bear a dividend of 6 per cent. on the whole capital, to increase the toll on the whole or on the bridge so much on every allowance thereof as will raise the dividend to six per cent.]

Passed 11th January, 1816.—Recorded in Law Book No. XV. p. 336.

CHAPTER 4131.

[Ch. 4052] A supplement to an act, entitled "An act to erect the town of Hanover in the county of York, into a borough."

SECT. 1. [BOROUGH officers not to be liable to serve more than one year in five.]

Passed 11th January, 1816.—Recorded in Law Book No. XV. p. 337.

CHAPTER 4135.

[Erected ch.
3925] An act confirming the proceedings of the commissioners of the county of Pike.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly*

met, and it is hereby enacted by the authority of the same, That 1816.
all the proceedings commenced, carried on and completed by the
commissioners of Pike county, in relation to the levying of taxes for
the years eighteen hundred and fourteen and fifteen, on the assessment
and valuation of the taxable property in the said county of Pike, ^{In relation to}
made at the last triennial assessment in the county of Wayne, pre- ^{taxes,} 1814-15.
vious to the erection of the said county of Pike, so far as the same
would have been lawful if the said county of Pike had not been erected,
be, and they are hereby declared to be as valid and effectual in law
to all intents and purposes as if the authority for such proceeding
had been expressly granted to the said commissioners by the act
erecting part of Wayne county into a separate county.

Passed 22d January, 1816.—Recorded in Law Book No. XV. p. 341.

NOTE.—See ch. 3923 and notes thereto 690, one person deaf and dumb and three
Number of inhabitants by census of 1821, slaves.

CHAPTER 4136.

An act to extend the boundaries of Columbia county.

[Erected ch.
3707.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* from
and after the first day of May next, that part of Chilisquaque and
Turbit townships, in the county of Northumberland, lying with-
in the following described bounds, viz. Beginning at the corner
of Point and Chilisquaque townships in the line of Columbia county,
thence by the lines of said townships along the summit of Mont-
taur's mountain, to where what is called Strawbridge's road crosses
said mountain, thence by said road to where the road from Wilson's
mills to Danville intersects said road, thence to the bridge over Chil-
lisquaque creek at James Murray's, thence by what is called Harrison's
road past Chillisquaque meeting-house to the corner of Turbit
and Derry townships in the line of Lycoming county, thence by
the line of Columbia county to the place of beginning, be, and the
same are hereby annexed to and made part of Columbia county.

Part of Chilisquaque
and Turbit
annexed to
Columbia.

SECT. 2. *And be it further enacted by the authority aforesaid,*
That all taxes or arrears of taxes, laid or which have become due to
the county of Northumberland, within the above described bounds
of the townships aforesaid, before the passing of this act, and all
sums of money due to this commonwealth for militia fines within the
same, shall be collected and received as if this act had not been
passed.

Taxes.

SECT. 3. *And be it further enacted by the authority aforesaid,*
That the sheriff, coroner and other officers of the county of North-
umberland, other than the justices of the peace, shall continue to
exercise the duties of their respective offices within the said parts of
said townships, until the business appertaining to the duties of their
offices respectively, which shall have been commenced therein pre-
vious to the passing of this act, shall have been finally settled.

Duties of
county offi-
cers.

SECT. 4. *And be it further enacted by the authority aforesaid,*

1816. That that part of the inhabitants of Turbit township annexed by
 Elections. this act to Columbia county, shall hereafter elect at Washington,
 and that that part of Chillisquaque township annexed by this act to
 Columbia county, shall elect at the house of William Dale, the usual
 place of election in said township.

Passed 22d January, 1816.—Recorded in Law Book No. XV. p. 341.

NOTE.—See ch. 3707 and notes thereto. Number of inhabitants by census of
 See also ch 3984. 1821, 3459, one slave and ten persons
 Parts of Columbia and Luzerne annex- dead and dumb.
 ed to Schuylkill, (ch. 4520)

CHAPTER 4137.

[Ch. 3941.] A supplement to an act, entitled “ An act authorizing the Governor to appoint com-
 missioners to view and lay out a state road from Carlisle in Cumberland county,
 to Littleton in Bedford county.”

GOVERNOR TO
 appoint three
 to review.

SECT. 1. *BE it enacted by the senate and house of representa-
 tives of the commonwealth of Pennsylvania, in general assembly
 met, and it is hereby enacted by the authority of the same, That*
 the governor be, and he is hereby authorised to appoint three disin-
 terested commissioners, one of whom shall be a practical surveyor,
 to review a certain part of a state road lately laid out from Carlisle
 in Cumberland county, to Littleton in Bedford county, beginning on
 the line of land of the heirs of Jacob Tetwilor, in Newton township,
 Cumberland county, thence through the land of David Mickey to
 the land of Christopher Aus; and the said commissioners shall pro-
 ceed to perform the service at such time as the governor shall di-
 rect, under oath or affirmation, and the same rules and regulations
 as are directed by the act to which this is a supplement; and if the
 said commissioners should change the road from where it is now
 laid out, they shall deposite a copy of the draft of said part in the of-
 fice of the clerk of the Court of Quarter Sessions of Cumberland
 county, and the said clerk shall enter the same on the record which
 shall be a record of a part of said road, and thenceforth shall be, to
 all intents and purposes, considered a part of said state road, and
 shall be opened and kept in repair as is directed by the act to which
 this is a supplement: *Provided, nevertheless, That the said David
 Mickey shall pay all expenses which shall accrue on said review.*

Passed 22d January, 1816.—Recorded in Law Book No. XV. p. 243.

NOTE.—By the original act (ch. 3941) deposite a draft in the office of the clerk
 The governor authorized to appoint three of the sessions in each county, which
 commissioners to lay out a road beginning being entered of record, to be a public
 at Carlisle thence the nearest and best highway, opened and kept in repair as
 way through Newville and Roxborough other roads Compensation to commis-
 near Benjamin Burd's in Bedford. To sioners, who to be under oath, &c.

CHAPTER 4138.

[Ch. 3779.] An act to extend the act, entitled “ An act to improve the breed of sheep in cer-
 tain counties in this commonwealth,” to the counties of Erie, Bucks, Westmore-
 land and Tioga.

SECT. 1. *BE it enacted by the senate and house of representa-
 tives of the commonwealth of Pennsylvania, in general assembly*

met, and it is hereby enacted by the authority of the same, That 1816.
the act, entitled "An act to improve the breed of sheep in certain counties of this commonwealth," passed the twenty-ninth of March, one thousand eight hundred and thirteen, be, and the same is hereby extended to the counties of Erie, Bucks, Westmoreland and Tioga. Act for improving breed of sheep extended, &c.

Passed 25th January, 1816.—Recorded in Law Book No. XV. p.344.

NOTE.—The act was originally confined to the counties of Delaware, Northumberland, Union, Columbia, Lacombe, Luzerne, Bradford, Fayette, Washington, Cumberland and Centre, (ch. 3779.) Extended to Chester, Beaver, Butler, Mercer, Venango, Crawford, Somerset and Allegheny, (ch. 3867.)


CHAPTER 4139.

An act concerning the patenting of lands.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the secretary of the land office of this commonwealth be and he is hereby authorized to settle the accounts of all persons who may apply for patents, either by themselves, their agents or attorneys, and be entitled to the same, on or before the first day of May in the year of our Lord one thousand eight hundred and seventeen, and who are indebted to the commonwealth for the purchase money of lands and interest due thereon, and on the payment of the usual fees of office, the said secretary of the land office shall issue patent or patents to such persons for his, her or their respective lands, and on the same patent or patents certify the amount of the purchase money and interest due for the land therein described, which aggregate sum shall bear interest from the date of the certificate, and shall be and remain a lien on the said land until the money shall have been paid; and such persons receiving patents as aforesaid, their heirs and assigns, shall be permitted, either at the time of issuing the patents or at any time thereafter, to pay the whole or any part of the interest and of the aggregate sum aforesaid, and receive a credit upon the patent for the same. Secretary to indorse the principal and interest which to be a lien.

SECT. 2. *And be it further enacted by the authority aforesaid,* That said patents and certificates thereon, shall be recorded in the recorder's office of the county in which the land lies, in a book to be provided for that purpose, at the usual fees for the like number of words, which record shall be notice to all persons, and may be used as evidence before any court or magistrate of the sum due to the commonwealth, sufficient to maintain a suit against the patentee, his heirs, executors, administrators or assigns: *Provided,* That if the record so as aforesaid directed, should not be made within six months from the date of such patent or patents, the same patent or patents shall be void and of no validity or effect whatever. Partial payment may be made and indorsed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That patents may issue under this act to any trustee or trustees holding lands, or to any guardian or guardians of minors duly appointed, or to any executor or executors to whom the sale or dis- Patents, &c. to be recorded.
Patents to issue to trustees, guardians, &c.

1816.  posal of the land to be patented is given by the last will and testament of their testator, for the use and benefit of those entitled, which trustee or trustees, guardian or guardians, executor or executors, are hereby authorized to apply for the same.

Duties of the
secretary as
to interest,
&c.

Proviso in
favour of
those paying
before 1st
May, 1817.

In favour of
those paying
mortgage be-
fore May,
1817.

Duty of re-
corder of
deeds.

Vol. 4, p. 261

Vol. 4, p. 471

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the secretary of the land office, on the settlement of any account for monies due on lands, other than those due on mortgage or lien, within any part of this commonwealth, except such lands as are situate north and west of the rivers Ohio and Allegheny and Connewango Creek, to ascertain the amount of the principal and interest due at the time of passing this act, upon such account, and upon the aggregate amount so found due it shall be his duty to charge interest until the amount of the account shall have been discharged; *Provided,* That any person paying into the treasury of this commonwealth, the amount of money due from him, her or them, on or before the first day of May, one thousand eight hundred and seventeen, or otherwise before the said day complying with the provisions of the three preceding sections of this act, shall be charged interest only on the principal sum due up till the time of such payment or of receiving a patent agreeably to the three preceding sections of this act: *Provided also,* That if any person obtaining any such patent, shall pay the whole sum due on such patent on or before the first of May, one thousand eight hundred and seventeen, he shall not be charged interest on the aggregate sum due at the time of obtaining such patent, but interest on the principal sum then due only: *And provided also,* That any person who heretofore has obtained any patent on mortgage, and who shall pay the whole sum due on such patent on or before the first day of May, one thousand eight hundred and seventeen, he shall not be charged interest on the aggregate sum due at the time of obtaining such patent, but interest only on the principal sum due thereon.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the recorder of deeds in the respective counties, upon a receipt of the state treasurer produced for the whole of the purchase money and interest charged against any tract of land, shall enter satisfaction upon the record, and the lien against such land shall thereupon cease and determine.

SECT. 6. *And be it further enacted by the authority aforesaid,* That an act entitled "An act to encourage the patenting lands, and for other purposes," passed the fourth day of April, one thousand eight hundred and five,* the first section of an act entitled "An act directing the mode of settling accounts in the land office, and to prevent frauds in obtaining warrants for land," passed the thirteenth day of April, one thousand eight hundred and seven,† the

* The first section of this act viz. that patents may issue on executing a mortgage &c. was by the act of 1810, (vol. 5, p. 94,) continued until 1st Nov. 1811. The same act directs by whom mortgage may be executed, before whom acknowledged, and provides for partial payments. The act of 1810 continued until 1st Jan. 1815, (ch. 3605,) which except the 4th section relating to land in the 17 townships of Luzerne county, with all the acts recited therein continued, until 1st Jan. 1816, (ch. 3097.) The whole of the act of 1805, (vol. 4, p. 261,) repealed, (ch. 4139.) See ch. 3605—4856, and notes thereto.

† Parts of this act now suspended until 1st Nov. 1811, by the act of 1810, vol. 5, p. 94.

third and fourth sections of the act, entitled "A further supplement to an act entitled, "An act for offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," passed the twenty-third day of January one thousand eight hundred and eleven,* be, and the same hereby is repealed: *Provided*, That nothing herein contained shall be so construed as to interfere with or invalidate any proceeding which may have heretofore commenced or been completed under the acts, or either of them, hereby repealed.

1816.

Acts repealed.

Vol. 5. p. 189

Proviso.

Passed 25th January, 1816.—Recorded in Law Book No. XV. p. 344.

NOTE.—See vol. 2, p. 105, in notes for a connected view of the titles of land in Pennsylvania.

Part 1. Contains an historical account of the royal grant from Charles 2d to William Penn; the settlement of the Dutch and Swedes on the Delaware; the early settlement of the province and the terms thereof; the several Indian purchases, and the mode of granting and settling lands, &c. Part 2. Of the practice of the land office before the year 1765. Part 3. The practice and customs of the land office from 1765, to the Revolution. Part 4. The same under the Commonwealth. Part 5. Of surveys and evidence.

Secretary to issue warrants for land in the purchase of 1768, or previous purchases at the rate of twenty-six dollars and sixty seven cents per hundred acres charging interest within that of 1768 from 1st March 1770, and within the previous purchase from 1st March, 1755, in cases when applicant cannot obtain proof of the time the land was improved (ch. 3933)

The board of property to direct warrants of acceptance and patents to issue

although the survey may contain more than a surplus of ten per cent. which to be paid for, (ch 4363)

The surveyor general authorized to receive returns of surveys in pursuance of the act (ch 4363,) without issuing warrants of acceptance. Nothing in either act to prohibit the acceptance of surveys or the issuing of patents on titles originating before the 4th July 1776, protected by the act vol 1, p. 479, vesting the estates of the proprietaries in the commonwealth. (ch. 4667.)

See (ch. 4856) directing the mode of recovering principal and interest from persons holding lands, &c. and notes thereto

See ch. 5045. for a general reference to the acts relating to the lands in the 17 townships.

See ch. 4795, for a reference to the laws respecting lands north and west of the rivers Ohio, Alleghany, and Conewango creek

See ch. 4669 for a reference to the laws relating to donation lands.

CHAPTER 4140.

An act authorizing the appointment of an additional auctioneer within the city and liberties of Philadelphia. [Sup. ch. 4286, see also ch. 4556, 5077.]

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same*, That from and after the the passage of this act, the governor be, and he is hereby authorized to appoint and commission an auctioneer to sell books, stationary, paintings and prints within the city and liberties of Philadelphia, and who shall pay the same duties, give the same security, and be liable to the same regulations and penalties as other auctioneers are undert he existing laws of this commonwealth; [For sale of books, &c. [Supplied by the act, ch. 5077.]

* The 3d and 4th sections of this act were continued until 1st January 1813, (ch 3605.) The section which continued them was repealed (ch. 3631,) and the sections themselves repealed, (ch. 4139.)

See ch. 5045, and notes thereto.

1816. but nothing in this act contained shall prevent the sale of books, stationary, paintings or prints by other auctioneers legally appointed.

Compensation.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said auctioneer shall have and receive for his expenses and trouble in selling the said articles at public auction, collecting the money, and paying the same over without loss, the sum of seven and one half per centum and no more [repealed as to sale of books and stationary, ch. 4286,] but any person may contract or agree with the said auctioneer to pay him for his services in the premises any less rewards which he may be willing to accept.

Repealed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of any former act or acts as is inconsistent with this act, be, and the same is hereby repealed.

Passed 25th January, 1816.—Recorded in Law Book No. XV. p. 348.

NOTE.—The auctioneer appointed by virtue of this act placed on same footing as others, except the auctioneer for the sale of horses, cattle, &c. (ch. 4286.)

decisions on the subject of auctions and auctioneers.

Auctioneers to be appointed for the late borough, now the city of Pittsburg, (ch. 3982, and ch. 4850.)

See vol 1, p 511, and ch. 5077, for a general reference to the laws and judicial

CHAPTER 4141.

[Ch. 3809] A supplement to an act, entitled “An act to enable the governor to incorporate a company for making an artificial road, beginning at the intersection of the Egypt road with the Ridge turnpike road, two miles above Norristown in the county of Montgomery, from thence to Pawling’s ford bridge over the river Schuylkill.”

SECT. 1. [THE time allowed by the seventh section of the act (ch. 3809,) for beginning the road extended for the term of three years, and for completing it, six years.]

Passed 25th January, 1816.—Recorded in Law Book No. XV. p. 349.

CHAPTER 4143.

An act enabling the governor to incorporate a company for making an artificial road from the state line near the town of Emmetsburg, in the state of Maryland, through Waynesburg, Greencastle and Mercersburg, to intersect the Chambersburg and Bedford turnpike road, at or near the east end of M’Connellsburg.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Notice to be given of the time and place of opening books. Commissioners may adjourn and transfer books. Five dollars to be paid on subscribing. 2. Fifty persons subscribing 800 shares, governor to incorporate. Style, “The President, Managers and Company of the Waynesburg, Greencastle and Mercersburg Turnpike Road. May increase number of shares. 3. 30 days notice to be given of the time and place of organizing the company. Officers to be chosen. May make by-laws not to contravene, &c. The number of votes each person entitled. 4. Annual meetings. 5. Certificates of stock, &c. 6. Seven members to be a quorum. Amount of drafts, &c. not to exceed amount deposited. 7. Notice of the time of making payment for stock. Penalty

on neglecting to pay. Stockholders. &c. not entitled to vote if in arrears. 8. Right to enter inclosures, take materials, &c. 9. May enter lands contiguous, giving notice, and doing as little damage as possible. Compensation to be made and how. Owner suffering damage may apply to the Q. S. 10. Width of road thirty feet, how to be constructed. Bridges. 11. When five miles completed notice to be given to the governor, who to appoint viewers, and licenses may issue to take tolls. No toll to be taken from persons going from one part of their farm to another, place of worship, funerals, militia, &c. Rates of toll. Penalty demanding illegal toll. Company may regulate the burthen on carriages.]

SECT. 13. *And be it further enacted by the authority aforesaid,* That if the said company shall neglect to keep the said road and bridges in good and perfect order and repair, for the space of five days, and information shall be given thereof to any justice of the peace of the neighbourhood within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in the precept to be mentioned, at the place in such road as shall have been complained of, of which meetings notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of said persons, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and if upon such enquiry the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall cause an inquisition thereof to be made under his hand and at least two of the said persons, one copy whereof he shall certify and send to each of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be put into good and perfect order and repair before the next Court of Quarter Sessions of the Peace to be held for the county in which the defect is proved to be, the said justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, who shall thereupon cause process to issue to bring in the body or bodies of the person or persons intrusted by the said company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in the case of supervisors of the highways for neglect of their duty, and if he or they shall be convicted of the offence charged in the said inquisition, the said court shall give such judgment according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided*, The fine, in no instance, shall be less than twenty dollars, nor exceed one hundred dollars, and the fines so imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the highways and public roads therein.

Penalty not keeping road and bridges in repair.

Mode of proceeding.

1816.

Penalty at-
tempts to
evade toll.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in, or driving any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any sheep, hogs or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage way or other ground adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the said company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all and every or any of the ways aforesaid offending, shall, for every such offence respectively, be fined and pay to the president, managers and company of the said turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of a similar amount may be now or hereafter sued for and recovered.

How recover-
table.

SECT. 15. [Accounts to be submitted annually to stockholders. Shares may be increased. 16. Account of receipts to be kept and dividends made half yearly. 17. Abstract of accounts to be annually exhibited to the legislature. Tolls may be raised, if the dividends do not amount to 6 per cent. reduced if above nine.]

Index hands.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the said president and managers shall cause posts to be erected and continued, at the intersection of every public road intersecting the said turnpike road, with a board and index-hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters, the name of the town, village or place to which such road leads, and the distances thereof in measured or computed miles.

Mile stones.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile stones to be placed on the side of the said road, and also cause to be affixed at each gate, a printed list of the rates of toll which may lawfully be demanded, for the information of travellers and others using the said road, and if any person or persons shall wilfully deface or destroy the said posts, boards, index-hands, or mile stones as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the said road, or within the limits thereof, and shall suffer to remain for the space of one day, any mould, dirt, shavings, weeds, or rubbish of any kind, such person or persons being convicted thereof by the evidence of one or more credible disinterested witness or witnesses, before any justice of the peace of that county in which the offence shall have been committed, he, she or they shall be adjudged by the said justice to pay a fine not exceeding five dollars, to be recovered with costs as debts of equal amount are or

Penalty, de-
facing, &c.

Mode of re-
covery.

may be by law recoverable, which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the company. 1816.

SECT. 20. *And be it further enacted by the authority aforesaid,* That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be so obstructed in his passage and will sue for the same, to be recovered with costs before any justice, in the same manner as debts of equal amount are or may be by law recoverable. Direction to waggoners.

SECT. 21. [Work to commence in five and be completed in ten years.]

Passed 29th January, 1816.—Recorded in Law Book No. XV. p. 350.

NOTE.—The governor authorized to subscribe 150 shares, (ch. 4985, sect. 47.)

CHAPTER 4144.

An act to incorporate the Whitestown Manufacturing Company.

SECT. 1. [WHITE & Hazard and associates, incorporated. Style, "The Whitestown Manufacturing Company." Usual corporate powers. Yearly income not to exceed 10,000 dollars. 2. Capital stock not to be less than 70,000, or more than 200,000, in shares of 100 dollars, to be exclusively employed in the purchase of real estate and machinery requisite in the manufacture of wire, and such other articles from iron, steel, or other materials, as may be deemed most beneficial.—Not to issue notes or be concerned in any business except that of manufacturing and selling articles manufactured. 3. Officers, five directors, one to be president. 4. Votes to be in person or by proxy. 5. Majority of the directors to be a quorum. Dividends. 6. Stock transferable. 7. Mode of calling special meetings. Proceedings to be entered in a book, &c. 8. Directors to exhibit statement of funds. 9. Legislature may revoke charter.]

Passed 29th January, 1816.—Recorded in Law Book No. XV. p. 369

CHAPTER 4145.

An act to incorporate the town of Waynesburg in the county of Greene.

SECT. 1. [ERECTED into a borough, to be called the borough of Waynesburg. Its limits. 2. Electors qualified to vote for members of assembly who have resided in the borough six months, to meet at some convenient place therein on the second Tuesday of April, [altered to first Monday in May, ch. 4335] between 12 and 6, and elect one citizen to be the burgess of Waynesburg, and seven citizens, a town council and one high constable; previously to elect

[Sup. ch.
4335, 4596]

1816. inspectors and clerks, to conduct the election under same regulations, &c. as the general elections and subject to same penalties. Officers to be sworn. Mode of supplying vacancies. 3. Style, "The Burgess and Town council of Waynesburg." Usual corporate powers. Value of real estate not exceed 5000 dollars. 4. Penalty on refusing to serve in any of said offices, 10 dollars, for the use of the corporation. No person liable to serve more than one year in four. 5. Officers to be sworn, &c. to support the constitution of the U. S. and this state, and to perform their duties with fidelity; certificates of oaths, &c. to be filed with the words of the corporation. 6. Corporation authorized to make by-laws, &c. to have power to assess taxes, to appoint a town clerk, treasurer, two persons as street and road commissioners, clerk of the market and other necessary officers; provided the ordinance, &c. are not repugnant to the constitution of the U. S. or of this commonwealth, and not to take effect until three weeks after the promulgation by four advertisements set up in the most public places. No tax to be laid in any year exceeding one half a cent in the dollar on the valuation of taxable property unless a majority of the taxable inhabitants shall in meeting approve the same. 7. Burgess to issue precept to constable to collect taxes, to carry ordinances into effect. Council to be a court of appeal; prior to the collection the collector to inform each person of the amount of tax and the time and place of appeal. The court to have no power but to determine the justness of the apportionment of the tax and to remedy any grievance in imposing the same. 8. Town council to attend all meetings of the council, to keep the records, &c. his attestation with the seal of the corporation to be good evidence. 9. Treasurer to give security for the faithful discharge of his office, &c. 10. Street commissioners to render accounts annually to the council. 11. High constable to give notice of elections by advertisements in six places ten days previously, to attend and see the same opened. 12. Persons injured may appeal to the next Q. S. giving security, &c.]

Passed 29th January 1816.—Recorded in Law Book No. XV. p. 374.

NOTE.—The act to regulate fences, &c. (vol. 2, p. 96,) repealed as respects this borough, (ch. 4596)

CHAPTER 4146.

An act to incorporate the "Orphan Society of Philadelphia."

SECT. 1. [FEMALE subscribers to the Orphans' Asylum incorporated by the name of "The Orphan Asylum of Philadelphia." Usual corporate powers. Annual income not to exceed 8000 dollars nor be applied for other purposes than those for which the corporation formed. To make by-laws, &c. not repugnant to the constitution and laws of the U. S. or the state. 2. Every female subscribing two dollars annually to be a member, liable to be removed for non payment and any subscriber of thirty dollars to be a member for life. 3. To meet annually first Tuesday in January, Twenty-five members competent to transact business. Twenty-four

managers to be chosen. Vacancies to be supplied by the managers. 4. Officers to be first and second directress, secretary and treasurer. Five necessary to be a quorum, to make by-laws and make an annual statement. 5. Corporation not dissolved by omission to hold elections. 6. The lot and ground to be free of tax.]

1816.

Passed 29th January, 1816.—Recorded in Law Book No. XV. p. 380.

CHAPTER 4147.

An act to authorize Henry Jarrett, of Northampton county, to build a permanent toll bridge across the river Lehigh.

SECT. 1. [HENRY JARRETT is authorized to build and support a bridge over the river Lehigh as near Currie's ferry as possible and to receive toll from travellers. Rates. Navigation not to be interfered with. No toll to be taken from persons attending funerals, foot passengers going to or returning from public worship on Sunday, militiamen, children going to or returning from school, or persons attending general or township elections. 2. Work to be commenced in four and completed in seven years. In case of abuse of privileges they may be resumed by the legislature.]

Passed 29th January, 1816.—Recorded in Law Book No. XV. p. 383.

CHAPTER 4148.

An act to prohibit the holding of Fairs in the boroughs of York, Lancaster, and Harrisburg.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That all such parts of the act, entitled "An act for erecting the town of York, in the county of York, into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys of the same, and for other purposes therein mentioned," as well as of the act supplementary thereto, which relate to holding, authorizing, or regulating fairs within the said borough, be, and the same are hereby repealed, and holding fairs in said borough is hereby prohibited and declared to be a common nuisance.* Vol. 2, p. 425 Vol. 5, p. 302

SECT. 2. *And be it further enacted by the authority aforesaid, That so much of any charter or law, as authorizes the holding of fairs in the borough of Lancaster, in the county of Lancaster, be, and the same hereby is repealed, and holding fairs in said borough is hereby for ever prohibited, and declared to be a common nuisance.* Vol. 1, p. 446

SECT. 3. *And be it further enacted by the authority aforesaid, That so much of the "Act erecting the town of Harrisburg, in the county of Dauphin, into a borough,"* as authorises the holding of fairs in the said borough be and the same is hereby repealed and* 13th April. 1791. ch. 1559.

* This act was repealed and supplied, 1st February 1808, vol. 4, p. 487.

1816. made void and the holding of fairs in the said borough of Harrisburg is prohibited and declared to be a common nuisance.

Passed 29th January, 1816.—Recorded in Law Book No. XV. p. 386.

CHAPTER 4153.

An act to incorporate the Bridgeport Manufacturing Company.

SECT. 1. [THE persons who at the time of passing this act are members of an association for the purpose of manufacturing woolen and cotton goods, declared a corporate body by the name of "The Bridgeport Manufacturing Company," with the usual corporate privileges, &c. and making by-laws not contrary to the laws of the U. S. or this commonwealth. 2. The stock, real estate, &c. shall be vested in the corporation and liable to all the debts contracted by the association and entitled to all debts due to the said association. 3. Stockholders, agents, &c. bound to the corporation for their proportion of debts contracted by the association. 4. The capital not to exceed 200,000 dollars, divided into shares of 500 dollars each. Shares may be increased, but corporation not to issue notes in the nature of money, bank notes, &c. 5. The place of meeting to be the factory office at Bridgeport, on the first Monday in June. Stockholders to elect by ballot, a president and six directors annually; four to form a quorum for ordinary business, but four with the president necessary to frame by laws. Vacancy in the directors to be supplied by the remaining directors. The legislature to have the right to withdraw privileges if abused. 6. Dividends to be on the first Tuesday in January and the first Tuesday of July in each year, and in no case exceeding the nett profits actually acquired, and in no case the capital to be impaired by dividends, and any director so consenting shall be liable in his individual capacity, unless he enters his protest.]

Passed 8th February, 1816.—Recorded in Law Book No. XV. p. 391.

CHAPTER 4154.

[Vol. 4, p. 145, 408.]

A further supplement to an act, entitled "An act to erect the town of Somerset, in Somerset county, into a borough."

SECT. 1. [BOUNDARIES prescribed.]

Passed 8th February, 1816.—Recorded in Law Book No. XV. p. 396.

CHAPTER 4155.

[Ch. 3610, sup. ch. 4414]

An act supplementary to an act, entitled "An act to enable the governor to incorporate a company for making an artificial road from the Spring-house tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton."

SECT. 1. [THE company authorized to increase toll to be enabled to divide six per cent on the stock expended in making the road on which they are authorized to receive toll, notwithstanding

a year has not expired from the time of completing such section, agreeably to the 19th section of the original act. 2. Governor to subscribe 200 shares, and when a section not less than five miles completed, to draw his warrant for such part of the stock as shall be in proportion to the whole distance, and so from time to time until the whole completed.* 3. When two and a half miles completed at the end of the first section, the governor to appoint commissioners to view, as directed by the 12th sect. of said act. 4. Company to have authority to enter on lands to make drains, giving notice and making amends. Proceedings in case of disagreement. Penalty stopping drains, &c.]

Passed 29th January, 1816.—Recorded in Law Book No. XV. p. 397.

NOTE.—See ch. 3610 and notes thereto.

CHAPTER 4157.

An act authorizing the governor to incorporate the York Water Company.

SECT. 1. [COMMISSIONERS named to receive subscriptions. Form. Notice to be given of opening the books; each person subscribing to pay 2 dollars. 2. When thirty persons have subscribed 200 shares, governor to incorporate by the style of "The York Water Company." Usual corporate privileges. 3. Commissioners to give notice ten days before the time of electing officers. Nine stockholders to be managers. No stockholder to have more than five votes. The election to be on the first Tuesday of February; place to be chosen by the managers; ten days notice to be given. Vacancies to be supplied from among the stockholders, till the next annual election. Unless stockholder be resident in the borough of York, not eligible as manager or treasurer. No mistake to displace an officer till the next annual election. 4. Five managers may make by-laws, not contrary to the constitution and laws of the commonwealth. 5. To have a common seal to be affixed to each share, signed by the president and treasurer, held by him or her, when ten dollars is paid on each certificate, which to be transferable. 6. Five members to be a quorum; in the absence of the president, a chairman to be chosen. Minutes to be preserved. To have the power to employ artists, &c. 7. The company to proceed to bring a stream of water from the lands of Peter Small, in the borough of York, by proper conveyances. To have the power to enter any enclosures necessary, paying for what injury shall be done; in case of dispute, final appeal to the Court of Common Pleas. The company to make necessary repairs. 8. To erect hydrants to extinguish fires only. Manufacturers to be supplied with water in reasonable quantities. 9. Capital to be paid by instalments; payment to be enforced after 30 days notice, when debts to be paid, and the income exceeds the expences, a dividend to be declared half yearly on the first Mondays of January and July. 10. Any

* When 10 miles completed, the governor to draw his warrant for the whole amount directed to be subscribed (ch. 4414.)

1816. person wilfully injuring the said water works, to pay a fine of 20 dollars and repair the damage. 11. If the company do not begin the work in three years, and not complete in five years, their works, their powers and rights, to revert to this commonwealth. 12. Shall not have the power to issue any bank notes, &c.]

Passed 8th February 1816.—Recorded in Law Book No. XV. p. 400.

CHAPTER 4158.

[Ch 4057, A supplement to the act, entitled "An act to authorise the governor to incorporate a company to make a lock navigation in the river Schuylkill." 4437; ch. 4930.]

Improve-
ments may
be commenc-
ed at any
place.

Proviso.

2d proviso.

Of the right
to receive
tolls.

Of the length
and breadth
of locks.

Proviso.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president, managers and company of the Schuylkill Navigation Company, to commence and carry on from time to time, their improvements of the navigation of each section of the river Schuylkill, at such places as in their opinion first require such improvement, any thing in the act to which this is a supplement to the contrary notwithstanding: *Provided,* That nothing herein contained shall be construed to authorise the said president, managers and company to divert the moiety of monies, intended by the act to which this is a supplement, for the improvement of one section to the improvement of the other, or to any other purpose whatsoever: *And provided also,* That as soon as any improvement is commenced on the lower section, an improvement shall be commenced and carried on, on the upper section, and so on until the whole work be completed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if, with the monies appropriated to the improvement of the two sections of the said river, more locks should be erected on one section than on the other, it shall and may be lawful for the commissioners appointed by the governor, to view all such locks, and if approved by them, it shall and may be lawful for the governor, by licence under his hand and the less seal of the state, to authorize the said president, managers and company, to receive legal tolls at such locks.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president, managers and company to erect their locks any number of feet in length not less than eighty, and in width not less than seventeen, the act to which this is a supplement to the contrary notwithstanding; and that so much of the act to which this is a supplement, as requires the said president, managers and company to make roads upon the dams, be, and the same is hereby repealed: *Provided,* That nothing in this act contained shall be so construed as in any wise to exonerate the president, managers and company of the Schuylkill navigation company from making and completing the slopes in the dams, agreeably to the provisions contained in the seventeenth section of the act to which this is a supplement.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the improvements to be made in the navigation of the upper

section of the said river, shall be carried on under the direction of the said president, managers and company, and the monies appropriated for the improvement of that section of the river, shall be paid out in the same manner as the monies intended for the improvement of the lower section of the said river, any thing in the act to which this is a supplement to the contrary notwithstanding. 1816.
Of the appropriation of the monies, &c.

Passed 8th February, 1816.—Recorded in Law Book No. XV. p. 407.

NOTE.—See ch. 4057, 4930, and notes Governor to subscribe 1000 shares thereto. (ch. 4438.)

CHAPTER 4159.

An act establishing an academy in the borough of Lebanon, in the county of Lebanon.

SECT. 1. [TO be called "The Lebanon Academy." 2. Trustees named, declared a body corporate by the name of "The Trustees of the Lebanon Academy." Usual corporate powers. Funds not to exceed the yearly value of 5000 dollars. Authorized to erect buildings, &c. 3. To use a common seal. 4. Trustees to hold their meetings on the first Monday in May annually. Nine to be a quorum to transact all business. No ordinance binding contrary to the laws of the U. S. or this state. 5. Election for trustees on the first Monday in April annually. Trustee must be a subscriber. The election not made on a stated day, to be lawful on any other day. 6. All proceedings of the corporation to be entered in a book. No mistake to defeat any bequest, &c. if the intention be evident. 7. Any sale valid tho' not proved that 9 trustees were consenting; unless controverted in three years. 8. 2000 dollars granted, 1000 to be appropriated under the direction of trustees; 1000 to be placed in productive funds; no part of this gift to be paid till 1000 dollars, be collected by subscription. Five poor children to be taught gratis. To remain but 2 years. 9. Penalty of 20 dollars for neglecting to exhibit their accounts to the auditors and publishing the same.]

Passed 8th February, 1816.—Recorded in Law Book No. XV. p. 409.

CHAPTER 4160.

An act authorizing the election of a constable in the borough of Greensburg. [Incorp. vol. 5, p. 340.]

SECT. 1. [THE electors annually, at the court-house, on the day appointed for the election of constables in the townships, to elect two reputable citizens and return their names to the next Q. S. who to appoint one, subject &c. to the penalties provided by the act (vol. 5, p. 161) and to have equal power with the constable of Hempfield township. 2. High constable to give previous notice, and to hold first election.]

Passed 8th February, 1816.—Recorded in Law Book No. XV. p. 413.

NOTE.—The act (vol. 2, p. 90,) to regulate fences &c. so far as respects this borough, repealed, (ch. 4596.) assess taxes on public property of the county. County property is not taxable for city or borough purposes. 4 Scig.

The burgesses have no authority to and Rawle, 354.

1816.

CHAPTER 4163.

[Vol. 4, p.
237, ch. 3767,
4807.]

An additional supplement to an act, entitled "An act directing the mode of selecting and returning jurors."

Duties of
sheriff and
commission-
ers.

Names of ju-
rors to be put
in a wheel.

To be drawn
&c.

Reference to
the former
act, vol. 4 p.
237.

Not to affect
jurors for
courts in Phil-
adelphia.

When 30 days
do not inter-
vene.

Adjourned
courts.

Sheriff, &c.
under the di-

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* in each county of this commonwealth, the sheriff and county commissioners, or any two of the said commissioners with the sheriff, shall meet at the seat of justice at least thirty days previously to the first Court of Common Pleas to be holden in each and every year, and shall, then and there, select from the list of taxable citizens, the names of a sufficient number of sober, intelligent and judicious persons, to serve as jurors at the several courts to be held in each county respectively, for that year; and they shall write, or cause to be written, the name of each person so selected, on a small piece of paper, which papers shall be as nearly alike in size and shape as may be, and shall be so folded as that the names thereon shall not appear without unfolding thereof, and they shall put all the papers so folded, into one wheel provided, or which shall be provided, for that purpose, and shall turn the said wheel so that the papers deposited therein shall be sufficiently intermixed, and having first drawn from the said wheel a number of names sufficient for the then next court, first drawing thereout twenty-four names to serve as a grand jury, if a grand jury shall be required at such next court and immediately thereafter a number of names sufficient to serve as petit jurors for such court, the wheel shall be locked up and sealed, and the county commissioners shall take charge of the wheel and the sheriff of the key thereof; and thirty days previous to each succeeding court, the same proceedings shall be had, so far as relates to the drawing of the said juries, by the sheriff and county commissioners; and all other proceedings subsequent to the drawing of the said juries respectively, shall be as is in the said act to which this is an additional supplement directed: *Provided*, That nothing herein contained, shall be deemed or taken to alter the mode of selecting and returning jurors for the Courts of Nisi Prius, District Courts, Quarter Sessions and Common Pleas of the city and county of Philadelphia, or for the Mayor's Court for the said city.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if thirty days shall not intervene between the time of depositing the names of the jurors in the wheel, and the next court in any county, the jurors shall be drawn as aforesaid for such next court from the names deposited in the wheel for the preceding year.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when an adjourned court shall be directed for the trial of causes in any county, the judges of the court may direct a jury to be drawn for the trial of causes at such adjourned court, thirty days before the time of holding thereof, notwithstanding a regular term and return day of the court may intervene between the time of appointing and holding such adjourned court.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the commissioners and sheriff in each county shall, upon no-

tice of this act, under the direction of the court, take out the names of the jurors deposited in the wheel for grand jurors, and deposit them, together with the names of the petit jurors, in one wheel, and at their next drawing, having well mixed the same, shall proceed as herein directed.

1816.

resection of the court, to put the names in same wheel.

Passed 13th February, 1816.—Recorded in Law Book No. XV. p. 415.

NOTE.—The act directing the mode of selecting and returning juries, vol. 4, p. 237.

The commonwealth shall not challenge peremptorily a greater number of jurors than the defendant, (ch. 3767,) who by act (vol. 5, p. 59) is allowed in all criminal prosecutions where peremptory challenges have not been heretofore allowed to challenge four jurors.

No verdict shall be set aside, judgment arrested, or sentence stayed, for any defect or error in the precept, *venire*, or any defect in drawing, summoning or returning jurors, but an agreement to try plea of guilty, or of the general issue shall be a waiver of all errors, &c. relative to the precept, &c. See ch. 3840, and notes thereto, also 2 Serg. and Rawle, 300. 5 Bin. 65. 6 Bin. 179, 447.

The courts of C. P. and Q. S. of Philadelphia, may direct the days on which the process for juries shall be returnable, (ch. 4807.)

Six and a quarter cents mileage allowed jurors to be paid by the county (ch. 4845.) See also ch. 4954, for same and jurors fees generally. 5 Serg. and Rawle, 549.

Wardens of the port of Philadelphia, exempt from serving as jurors, (vol. 4, p. 69.)

Guardians of the poor, (vol. 4, p. 50,) and directors of the public schools in the city and county of Philadelphia, exempted, (ch. 4519.)

Post-masters, and persons engaged in the transportation of the mail by act of congress (vol. 4, p. 290,) and by stat. 5. H. 8. ch. 6, (reported by the judges of the Sup. Court to extend to Penn.) surgeons are exempted.

An officiating clergyman, a deacon in the Methodist Episcopal church, although

he attends to secular business, is exempted from serving as a guardian of the poor 5. Bin. 554.

Jurors are entitled to no more than the fees given by law for their attendance and must pay their own expences. 1 Serg. and Rawle, 320.

The testimony of jurors themselves is not admissible to impeach the verdict on the ground of misconduct. 4 Bin. 150.

A jury may take out with them any writings that have been given in evidence without distinction, as to sealed or unsealed, except the depositions of witnesses, (vol. 5, p. 238.)

It is gross misbehaviour for any person to speak to a juror, or for a juror to permit conversation concerning the cause, after he is summoned, and before verdict. 1 Serg. and Rawle, 169.

Each juror is allowed 50 cents on an inquisition of real estate, and the sheriff may receive it but is accountable for it. 3 Serg. and Rawle, 549.

See vol. 5, p. 59, and ch. 3767, with notes thereto. As to unclaimed jury fees in the city and county of Philadelphia. See notes at ch. 3888, and ch. 4909.

In all criminal cases where a defendant or prosecutor is adjudged to pay the costs four dollars to be charged for the county, (ch. 4554.)

Provision for summoning jurors &c. in the District Court for the city and county of Philadelphia, and in the District Court of the county of Lancaster, &c. see the several acts establishing said courts, with the supplements thereto. See also special provisions as to other counties under the names of the counties respectively.

As to the power of juries in directing the payment of costs on indictments, see p. 229, in notes.

See also ch. 4807, and notes thereto.

CHAPTER 4164.

An act to regulate the payment of costs in certain cases of trespass therein mentioned.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Referees to decide who to pay.
in all actions for the recovery of damages for any trespass, wrong or injury done or committed against real or personal estate brought

1816. before any justice of the peace or alderman of this commonwealth, and referred agreeably to law, the referees are hereby empowered, in addition to their report of the damages, if any sustained by the plaintiff to decide and report also whether the plaintiff or defendant shall pay the costs of such action, or in what proportion they shall be paid by the plaintiff or defendant respectively, on which report judgment shall be entered, as well for the costs as the damages, and execution shall issue as in other cases: any thing in the second section of the act entitled, "An act regulating the proceedings of justices of the peace and aldermen, in cases of trespass, trover and rent," passed the twenty-second day of March, one thousand eight hundred and fourteen, or in any other act to the contrary notwithstanding.

Passed 13th February, 1816.—Recorded in Law Book No. XV. p. 417.

NOTE.—See ch. 3909 and 4893, and notes thereto.

CHAPTER 4165.

An act enabling the governor to incorporate a company for making an artificial road from the state line near the town of Emmetsburg, in the state of Maryland to intersect the Chambersburg and Bedford turnpike road at or near Loudontown, in Franklin county.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 100 dollars. One month notice to be given of the time and place of opening books. Commissioners may adjourn from time to time and transfer the books from place to place on giving notice. Books to be closed when 500 shares are subscribed. Five dollars a share to be paid on subscribing. 2. When 600 shares have been subscribed by fifty persons, commissioners to certify it to the governor who to issue letters patent creating the subscribers a body corporate by the name of "The President Managers and company of the Loudontown Turnpike Road." Usual corporate privileges granted. 3. Proceedings to organize the corporation. A president, twelve managers and a treasurer to be chosen for one year by ballot. Company may make by-laws, &c. not contrary to the constitution and laws of the U. S. and of this state. Road to commence at the Maryland line near Emmetsburg, or any point between that and Waynesburg as the managers may determine, and end at Loudontown in the county of Franklin. Same privileges granted, and duties, &c. enjoined as are by law prescribed for the Waynesburg, Greenscastle, and Mercersburg, Turnpike company, (ch. 4143.) Road to be commenced in five and finished in ten years.]

Passed 15th February, 1816.—Recorded in Law Book No. XV. p. 418.

CHAPTER 4170.

An act authorising the governor to incorporate the Northampton Water Company.

SECT. 1. [COMMISSIONERS named. Form of subscription. Shares ten dollars. Notice to be given of the time and place of opening books. Books to be closed when 1000 shares subscrib-

ed. One dollar a share to be paid on subscribing. 2. When 200 shares have been subscribed by 20 persons, commissioners may certify to the governor, who to incorporate by the name of "The Northampton Water Company," with the usual privileges. 3. Proceedings to organize the corporation, Five managers to be chosen to conduct the affairs of the company. No stockholder to have more than 12 votes. Managers to choose one of their number president, who to sign all contracts and certificates of stock. President and managers to appoint a treasurer and such other officers as may be necessary. Officers to be elected annually on the 2d Monday of May. Managers to supply vacancies. Stockholders not resident in the borough of Northampton not eligible. No misnomer or failure of election to dissolve the corporation. 4. President and three managers a quorum to make by-laws, &c. 5. Common seal to be procured, and the official acts of the president and managers to be authenticated by it. Certificates of stock to be issued and be transferable. 6. Times of meeting to be regulated by the by-laws. Proceedings of the president and managers to be entered in a book. Agents, workmen, &c. to be appointed by them. 7. President and managers to bring and convey a stream of water from the neighborhood into the borough by means of pipes, aqueducts, &c. Consent of the persons on whose ground the stream is, to be first obtained. To provide cisterns and reservoirs. May enter upon lands, &c. for the purpose of digging and laying pipes, &c. doing as little damage as possible, and paying for it. If they cannot agree with the owners as to the amount, the Court of Common Pleas shall, on application, appoint three freeholders to appraise it. May lay pipes, &c. along the highways and such streets in the borough, as the town council permit, and repair the same. May make cisterns and reservoirs on the public ground. 8. Allowed to vend the water to individuals. Annual charge not to exceed five dollars. Hydrants to be erected in the streets, to be used in case of fire. 9. Penalty for neglecting to pay subscriptions. Dividends to be declared in the months of January and July. 10. Penalty for injuring works, &c. 11. To be commenced in three and finished in five years. 12. The corporation of the borough may purchase the right of the company at any time after the year eighteen hundred and thirty four, paying such sum as seven disinterested men appointed by the Court of Common Pleas, shall, on oath or affirmation, declare to be its full value. 13. Prohibited from issuing bank notes, &c.]

Passed 13th February, 1816.—Recorded in Law Book No. XV. p. 425.

CHAPTER 4171.

An act for the improvement of a road beginning at the point where the Coshecton and Great Bend turnpike passes through the Moosic mountain, in a western direction to the west line of the state, and for other purposes.

SECT. 1. [21,000 dollars appropriated to improve the road through the Moosic mountain. 3000 dollars to be paid to the commissioners of each of the following counties, viz. Susquehanna, Bradford, Tioga, Potter, McKean, Warren and Erie, respectively. 1000

1816. dollars to be paid yearly. 2. Vacancies to be supplied by the Court of Quarter Sessions. Commissioners to receive 2 dollars per day. 3. Commissioners to give bond and security that sums received to be expended according to the true meaning of this act, before receiving the different instalments to exhibit a certificate from the prothonotary that former sums have been so expended. 4. Accounts must be exhibited to the court of Q. S. who before passing such accounts, to appoint 3 persons to view the road. 5. Commissioners to be paid by the different counties through which the road passes. 6. 700 dollars to be appropriated to improve the state road between Harrisburg and Wilkesbarre. 7. 500 dollars to improve the state road from Harrisburg to Wilkesbarre, through the townships of Schuylkill and Rush. 8. Commissioners must advertise for proposals, and exhibit their accounts to the auditors.]

Passed 13th February, 1816.—Recorded in Law Book No. XV. p. 432.

CHAPTER 4172.

[Sup. chap. 4748, 5029.] An act granting a sum of money to aid in removing obstructions out of Sheerman's creek.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the sum of two thousand dollars be, and the same is hereby appropriated, for the purpose of removing the obstructions in the Sheerman's creek, and improving the navigation of the same, between Creighead's mill-dam and the confluence of said creek with the Susquehanna.

SECT. 2. *And be it further enacted by the authority aforesaid,* That Francis Gibson, George Stroop, John Maxwell, William Power, Samuel Anderson, John Creigh, Moses Watson, Isaiah Carl and Robert Adams, be, and they are hereby appointed commissioners to superintend the removal of said obstructions out of said creek; and as soon as the commissioners aforesaid shall give satisfactory evidence to the state treasurer, that the sum of two thousand dollars is subscribed by individuals, and the payment secured, for the improvement of the navigation of said creek, and shall give bond, with sufficient sureties, to the governor, for the faithful application of the sum hereby granted for the purposes aforesaid, the state treasurer shall pay the said sum to the said commissioners, who are hereby required, within three years from and after the passing of this act, to furnish, under oath or affirmation, a statement of the manner in which the said sums of money shall have been expended, to the accountant department, who are hereby required to adjust and settle the same: *Provided,* That in the settlement of their accounts, the commissioners shall not be allowed any compensation for their individual services and neither of them shall be concerned, directly or indirectly, in their private capacity, in any contract made by virtue of this act.

Passed 17th February, 1816.—Recorded in Law Book No. XV. p. 435.

NOTE.—Time for completing the work extended 2 years from 7th March, 1817, (ch. 4748.) Further extended one year from 2d April, 1821, (ch. 5029.)

CHAPTER 4174.

1816.

An act repealing the "act to encourage the raising of swine," so far as the same respects the borough of Mercer.

SECT. 1. [ACT (vol. 2, p. 96,) repealed, so far as the same respects the borough of Mercer.]

Passed 17th January, 1816.—Recorded in Law Book No. XV. p. 437.

NOTE.—See vol. 1, p. 13 and 70 and notes thereto subjoined.

CHAPTER 4177.

An act relative to the building of certain bridges over the Monongahela and Allegheny rivers opposite Pittsburg.

SECT. 1. [FORMER acts vol. 5, p. 114, 159 made perpetual. 2. The governor authorized to subscribe 1600 shares,* subscription to be paid when the abutments and piers are constructed and other half when superstruction raised. 3. Subscriptions to vest in the state the right of the shares. 4. The bridge over the Monongahela to be at the end of Smithfield street, over the Allegheny at the end St. Clair street. 5. To contract with owners of land before beginning the bridge, in case of disagreement the Court of Common Pleas of Allegheny to appoint three freeholders to examine the affair; their decision to be confirmed by the court. 6. The company authorized to demand toll from persons, &c. except those attending funerals, militia, persons attending divine service, children and students attending seminaries of learning. Rates of toll. 7. To bridge company of the river Allegheny, the same powers. 8. Shall not have power to issue any bank notes. 9. The bridge over the Monongahela to be begun in two years and completed in six. Over the Allegheny must be begun in five years, and completed in ten. 10. A single share to entitle its owner to one vote. No stockholder can have more than twenty votes. 11. The commissioners named.]

Passed 17th February, 1816.—Recorded in Law Book No. XV. p. 439.

CHAPTER 4179.

A further supplement to the act, entitled "An act to enable the governor to incorporate a company for making a turnpike road from Middletown to Harrisburg." [Vol. 5. p. 116]

SECT. 1. [THE governor to subscribe 200 shares to the stock and as soon as a section is completed, as directed by the original act to draw his warrant for such parts as shall be in proportion to the whole distance. 2. Stock to be vested in the state.]

Passed 20th February, 1816.—Recorded in Law Book No. XV. p. 445.

NOTE.—See ch. 3703 and notes thereto.

* To draw his warrant for 20,000 for 1st instalment, (ch. 4778.)

1816.

CHAPTER 4180.

[Vol. 4, p.
455.]

A supplement to an act, entitled "An act for the erection of a poor house for the better relief and employment of the poor in the townships of Oxford and Lower Dublin, in the county of Philadelphia."

Vol. 4, p. 60.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That so much of the twenty-first section of "An act for the consolidation and amendment of the laws, as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties," passed the twenty-ninth of March, one thousand eight hundred and three, as relates to the aldermen and justices of the peace granting orders for the removal of paupers, be, and the same is hereby extended to the townships of Oxford and Lower Dublin, in the county of Philadelphia.

Passed 20th February, 1816.—Recorded in Law Book No. XV. p. 446.

NOTE.—See ch. 3888 and notes thereto, relating to the poor laws generally.

CHAPTER 4182.

[Ch. 4931.] A supplement to the act, entitled "An act appropriating certain militia fines to the improvement of public roads."

SECT. 1. [THE militia fines imposed on individuals within the 16th division of the militia neglecting or refusing to march to the frontier of the commonwealth under the order of general Meade and Kelso, appropriated to the repair of roads, bridges, &c. in each county where such fines have been recoverable. 2. Fines to be paid to county treasurer. Persons fined to have a preference in all contracts.]

Passed 20th February, 1816.—Recorded in Law Book No. XV. p. 448.

NOTE.—See ch. 4031.

CHAPTER 4183.

[Sup. ch.
4651, 4799.]

An act to enable the governor to incorporate a company for making an artificial road from Jersey Shore, in the county of Lycoming, to Coudersport, in the county of Potter.

SECT. 1. [COMMISSIONERS appointed, to receive subscriptions. Form. Shares fifty dollars. Notice to be given of opening books. Commissioners may adjourn from time to time and transfer the books giving notice. Books to be closed when 1400 shares subscribed. Five dollars a share to be paid on subscribing. 2. When 500 [reduced to 300, ch. 3651,] shares subscribed by 20 persons, the commissioners to certify it to the governor, who to incorporate by the name of "The President, Managers and Company of the Lycoming and Potter turnpike road." Usual corporate privileges. 3. Thirty days notice to be given of organizing the company. President, twelve managers and a treasurer to be chosen by ballot. Company may make by-laws, &c. not inconsistent with the laws of U. S. or of this state. To have the same privileges, be subject

to the same restrictions and receive like tolls as the Easton and Wilkesbarre Turnpike company, (vol. 4, p. 7.) Road to be begun in four and completed in ten years. Act extended four years, from 20th February, 1821, (ch. 4799.)] 1816.

Passed 20th February, 1816.—Recorded in Law Book, No. XV. p. 449.

NOTE.—The governor authorized to completion of sections of five miles, (ch. subscribe for 400 shares, (ch. 4437, sect. 4651.) 24.) This subscription payable on the

CHAPTER 4184.

An act to extend the act, entitled "An act to prevent the disturbance of religious societies within the city of Philadelphia during the time of divine service." [Vol 3, p. 323]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to prevent the disturbance of religious societies within the city of Philadelphia, during the time of divine service," passed the fourth of April, one thousand seven hundred and ninety-eight, be, and the same is hereby extended to the incorporated district of the Northern Liberties, in the county of Philadelphia. Act 4th April 1798, extended to incorp. part N. Lib.

Passed 20th February, 1816.—Recorded in Law Book No. XV. p. 452.

CHAPTER 4186.

An act to provide for the further continuance of Courts of Quarter Sessions.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the judges of the Courts of Quarter Sessions of the Peace of the several counties of this state, shall be, and they are hereby authorized and empowered to continue the sessions of the said courts, during such time as may be necessary to complete the trial and sentence of any defendant or defendants, whose trial shall have been commenced within the period now limited for holding the said courts. Judges authorized to continue courts Q. S.

Passed 20th February, 1816.—Recorded in Law Book No. XV. p. 453.

NOTE.—The Q. S. of Franklin county to continue during the whole of the first week or so many days as shall be necessary to complete the business. See ch. 3782 and notes thereto.

Special Court may be held in Cumberland, (ch. 3815.)

Act for holding Special Courts of Common Pleas, 4219, sup. 4572. In Huntingdon, Mifflin and Centre, (ch. 3932,) [repealed ch. 4219.]

Act authorising the presidents of the 9th and 4th judicial districts to try certain causes, (ch. 4990.)

Time of holding courts in 6th district altered, (ch. 4586.) Altered in Dauphin county, (ch. 4593.) In 5th district, (ch. 4880.) In 3d district, (ch. 3639, 3772.)

Act respecting courts in Westmoreland, Cambria and Indiana, (ch. 4631.)

Adjourned Courts of Q. S. to be held in Allegheny, (ch. 3964.)

CHAPTER 4187.

1816.

[Vol. 4, p. 370 and vol. 5, p. 156, 351 sup. ch. 3853, 4212, 4902, 5012.]

A further supplement to an act, entitled "An act to incorporate a company for making an artificial road from Harrisburg, through Lewistown and Huntingdon to Pittsburgh."

SECT. 1. [THE Huntingdon, Cambria and Indiana Turnpike Company (vol. 4, p. 370) authorised to extend the road from Blair's to Huntingdon and from Regarts to Connemaugh river 2. Part of the state's subscription of \$100,000, (vol. 5, p. 351,) for that section of the northern route between Alexandria and Huntingdon and the crossings of Connemaugh and a part of the 60,000 authorised to be subscribed by the state for that other section of said road lying between Millerstown and Alexandria, shall be subscribed for the road between the several points in the preceding section mentioned. Governor authorised to subscribe accordingly and subscription to be paid as directed by the act, (vol. 5, p. 351.) 3. Commissioners named, to receive subscriptions. 4. Notice to be given; the notice required by the 7th sect. of the act of 24th March 1806,* and such publication shall be of same validity as if the same had been made in manner directed by said section. 5. Until otherwise directed, company to paint on mile stones the distance from Philadelphia and Harrisburg as required by the 19th sect. of the act 31st March 1807, (ch. 2790,) [repealed vol. 5, p. 272.] 6. The governor authorized to appoint a surveyor who with one person to be appointed by the company to measure the distance of the road which they are authorized to make from the borough of Huntingdon to the Connemaugh and ascertain the proportion of the monies appropriated by the 24th sect. of the act, vol. 5, p. 351.]

Passed 26th February, 1816.—Recorded in Law Book No. XV. p. 454.

NOTE.—The road directed by the act vol. 5, p. 156, (see also vol. 4, p. 370. vol. 5, p. 351,) viz. the Huntingdon, Cambria and Indiana turnpike authorised to be laid out from the house of John Blair through Munster and Ebensburg to Laurel hill, and part of the 100,000 dollars appropriated by act vol. 5, p. 351, applied. Additional commissioners appointed to receive subscriptions, see ch. 3853 and notes thereto.

Additional supplement to the act vol. 4, p. 370, by which commissioners named and subscriptions authorised for making a road from New Alexandria to the river Connemaugh, &c. "The President, Managers and Company of the New Alexandria and Connemaugh Turnpike road company," and the Pittsburg and New Alexandria turnpike company incorporated and governed by original act, vol. 4, p. 370, (ch. 4212.)

The governor authorised to subscribe 600 additional shares in Huntingdon, Cambria and Indiana turnpike company, (ch. 4437, sect. 27.)

Governor to draw his warrant in favour

of the same company for 10,000 dollars on account of the last subscription on the part of the state, (ch. 4511.)

The governor authorised to subscribe 6850 dollars to be applied to making the road between the Alexandria and Huntingdon to be part of the state subscription of 60,000 dollars authorised to be subscribed and to be paid agreeably to the directions of the act, vol. 5, p. 351. Company shall not be obliged to finish five miles of the section from Alexandria to Huntingdon before entitled to draw any money but on finishing the last section of 10 miles between the town of Alexandria and crossings of the Connemaugh the above sum may be paid in advance as has been done on completing any previous ten miles, (ch. 4902.)

The governor authorised to subscribe to the Pittsburg and New Alexandria turnpike company 240, to the New Alexandria and Connemaugh turnpike company 75, to the Huntingdon, Cambria and Indiana 700, additional shares and to the Lewistown and Huntingdon 340, to the Millerstown and Lewistown 245 shares

* There appears no law of this date, the reference should be to the act of 24th March, 1807.

as soon as the two last are incorporated and five miles completed and approved, (ch. 4985, sect 3.)

A company incorporated by the style of the "President, Managers and Com-

pany of the Harrisburg and Millerstown turnpike road," and the act vol. 5, p. 351, revived and extended to 1st May 1825, (ch. 5012.)

1816.

CHAPTER 4188.

An act to enable the governor to incorporate a company for making an artificial road from Henry Hews', in the county of Lycoming, to Aaron Bloss', in the county of Tioga.

SECT. 1. [COMMISSIONERS appointed, to receive subscriptions. Form. Shares 50 dollars. Notice to be given of opening books. To be kept open six days. Commissioners may adjourn and transfer the books on giving notice. Books to be closed when 600 shares are subscribed. Five dollars a share to be paid on subscribing. 2. When 300 shares have been subscribed by 20 persons, commissioners to certify it to the governor who to incorporate by the name of "The President, Managers and Company of the Lycoming and Tioga Turnpike road" with usual privileges. 3. Thirty days notice to be given of the time and place of organizing the corporation. A president, twelve managers and treasurer to be chosen by ballot. Company may make by-laws, &c. not inconsistent with the laws of the U. S. or of this state. To enjoy like powers, and be subject to like restrictions as the "Easton and Wilkesbarre Turnpike Company," (vol. 4, p. 7.) Work to be commenced in four and completed in ten years.]

Passed 26th February, 1816.—Recorded in Law Book No. XV. p. 456.

CHAPTER 4189.

A supplement to the act, entitled "An act to authorise the governor to incorporate a company to erect a toll bridge over Big Beaver creek, at or near Wolf lane, in the county of Beaver." [Ch. 3811.]

SECT. 1. [THE present site of the bridge confirmed as if fixed in the original act. 2 The company authorised to erect a toll house on the west branch of the creek and two perches in length vested in said company, to be run off by the deputy surveyor of Beaver county, two perches in length and two in breadth for the purpose aforesaid as long as necessary or until resumed by the legislature.]

Passed 28th February, 1816.—Recorded in Law Book No. XV. p. 458.

CHAPTER 4190.

An act making further provision for the support of the Board of Wardens for the port of Philadelphia. [Vol. 1, p. 67. sec notes at p. 81, and to ch. 3802.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That if upon a settlement of the accounts relative to the wardens office, and the expenses necessarily incurred in conducting the business* Balance of expenses of

1816. thereof, it shall appear that the monies received by the master warden, in any one year after the thirty-first day of March, one thousand eight hundred and sixteen, shall not have been sufficient to pay the said expenses, it shall be lawful for the auditor general to draw a warrant or warrants upon the state treasurer, in the usual manner, for the amount of such deficiency, which shall be paid out of any money in the treasury : *Provided*, That the same shall not, in any one year, exceed the sum of two thousand dollars in the whole.

warden's office, to be paid.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the compensation to be paid to the master warden for the time being, shall be three dollars for every day which he shall necessarily attend at the warden's office, and no more.

Compensation of master warden.

SECT. 3. [Limiting the act to 2 years, repealed, (ch. 4629.)]

Passed 28th February, 1816.—Recorded in Law Book No. XV. p. 459.

NOTE.—See vol. 4, p. 80, and ch. 4824, and notes thereto.

CHAPTER 4191.

[Sup. ch. 5003.] An act to provide for the better preservation and increase of the Library of this commonwealth.

SECT. 1. *BE it enacted by the senate and house of representatives, of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for any joint-committee consisting of three members of the senate and three members of the house of representatives, who may hereafter be appointed for that purpose, to add the libraries belonging to the senate and house of representatives respectively, (excepting such books as they may deem necessary for the daily use of the members) to the present joint-library of the two houses, so as to form hereafter a single library ; and the said committee are further authorized and directed to prepare one or more of the committee rooms for the reception of the library, having previously obtained the assent thereto of the commissioners of Dauphin county ; and they shall also employ some competent person to take charge of the same, under such rules and regulations as they may prescribe, and for such compensation as they may deem reasonable, not exceeding two dollars per day during the session of the legislature.

Committee to be appointed.

Room.

SECT. 2. *And be it further enacted, by the authority aforesaid*, That for the purpose of paying such compensation during the present session of the legislature, and for defraying the expenses of preparing and fitting up the committee rooms, the sum of four hundred dollars is hereby appropriated, to be paid in the usual manner, on a warrant drawn by the speaker of the house of representatives, in favor of the chairman of said committee ; and in case any surplus shall remain after payment of the said expenses, such surplus shall be expended, under the direction of the said committee, in the purchase of books or maps for the library.

\$400 appropriated.

SECT. 3. *And be it further enacted by the authority aforesaid*,

That, at the commencement of every session of the legislature, there shall be appointed a library committee, consisting of three members of the senate and three members of the house of representatives, who shall have power to employ a competent person to take charge of the said library, under such rules and regulations as they may prescribe: *Provided always*, That his compensation shall not exceed the sum of two dollars per day during the session of the legislature; and all purchases of books and maps for the library, shall be made under the direction of the said committee, and with the approbation of both branches of the legislature.

1816.

Committee to be annually appointed.

A librarian.

SECT. 4. *And be it further enacted by the authority aforesaid*, That for the purpose of defraying the expences incident to the said library, and for purchasing additional books and maps, the sum of six hundred dollars is hereby annually appropriated, to be paid in the manner as aforesaid;* which sum, after deducting therefrom the compensation to the person charged with the care of the library and all other incidental expenses thereof, shall be expended by the said committee in the purchase of books and maps for the library.

Annual appropriation.

Passed 28th February, 1816.—Recorded in Law Book No. XV. p. 460.

NOTE.—By resolution of the 6th March 1820, the clerks of the two houses, instructed to procure two complete copies of the journals and acts of assembly from the earliest session, to have the same du-

rably bound, and place one copy in the state library, and the other in the office of the secretary of the commonwealth, subject to the restriction, not to be taken out of the rooms where deposited.

CHAPTER 4192.

An act to authorise the governor to incorporate a company to erect a bridge over the river Schuylkill, at or near Lewis' ferry, in the county of Berks.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares fifty dollars. Notice to be given of the time and place of opening books. Books to be closed when 400 shares subscribed. Commissioners may adjourn, and transfer the books on giving notice. Five dollars a share to be paid on subscribing. Commissioners named to fix on the scite of the bridge. To be under the same restrictions as jurors appointed by the Court of Quarter Sessions to fix upon scites of roads and bridges under the act of the 1st March, 1815, (ch. 4038, sect. 8.) Compensation 2 dollars a day while actually and necessarily so employed. 2. When 200 shares subscribed by 20 persons, commissioners to certify it to the governor, who to incorporate by the name of "The President, Managers and Company of the Schuylkill bridge at Lewis's ferry," with the usual privileges. 3. Proceedings to organize the corporation. A president, six managers and a treasurer, to be cho-

* To be paid in the usual manner on warrants drawn by the chairman of the joint committee, countersigned by the speaker of the H. R. If annual expenditure less than 600 dollars, the deficiency may be drawn for in any subsequent year. Committee to make a report ten days previous to the adjournment. The committee authorised to select such books and documents transmitted from the department of State of the United States, and such laws of the states as have been sent to the Secretary of the commonwealth, and which do not belong to that officer, for the purpose of placing them in the library; (ch. 5003.)

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sen by ballot. Company may make by-laws, &c. not inconsistent with the laws of the United States or of this commonwealth. No stockholder to have more than ten votes. Annual meeting of the company for electing officers, to be on the third Monday of April. 4. Certificates of stock to be issued and delivered on payment of ten dollars upon each share. Stock transferable. 6. President and managers to meet as directed by the by-laws. Five members a quorum. To keep minutes. appoint agents, workmen, &c. fix their wages, ascertain the time of paying instalments and transact the other business entrusted to them. 7. Penalty for neglecting to pay instalments. 8. President and managers to keep accounts of receipts and expenditures, and submit them annually to the stockholders. Shares may be increased if necessary. 9. Bridge, &c. when completed, at least twenty-one feet wide, and one hundred and fifty feet above the main channel, to be vested in the company. Rates of toll.

Penalty on
demanding
illegal toll.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the said company, or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge, than is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of toll placed near the said bridge, on ten days notice given by or from any justice of the peace in the county of Berks, they so offending, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered as debts of the same amount are by law recoverable, one moiety thereof to go for the use of the county of Berks, and the other moiety for the use of the person who shall sue for the same, but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

SECT. 11. [President and managers to keep regular accounts of tolls received, &c. and make dividends of the clear profits on the fourth Mondays of June and December, in each year. 12. Abstract of accounts to be laid before the legislature every five years. Provision for increasing tolls. 13. Bridge to be commenced in three and completed in six years.

Penalty in-
juring the
bridge.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break or destroy any part or parts of said bridge, or any toll-house, gates, bars or other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or shall wilfully deface or destroy the letters, figures or other characters in any written or printed list of the rates of toll affixed in any place or places for information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending shall, each of them, forfeit and pay for every such offence to said corporation, the sum of twenty dollars, to be recovered on conviction before any justice of the peace, as debts of like amount are by law recoverable, but no such suit shall be brought unless commenced within thirty days after such offence shall have been committed, and he, she or they so offending shall, remain liable to actions at the suit of said corporation for any damage done to the said bridge,

Time limited
for bringing
the suit.

if the said sum or sums herein mentioned be not sufficient to repair the same: *Provided always*, That the suit last herein mentioned, shall be brought within thirty days after such conviction had before any justice of the peace as aforesaid, and not otherwise.

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SECT. 15. [Company prohibited from issuing bank notes, doing banking business, or investing their funds in unincorporated banks. 16. Fording place not to be obstructed.]

Passed 28th February 1816.—Recorded in Law Book No. XV. p. 461.

CHAPTER 4193.

A supplement to the act, entitled, "An to enable the governor to incorporate a company for the purpose of making an artificial road from the Philadelphia and Lancaster turnpike road, between the twenty-third mile-stone and the Admiral Warren tavern, to the point where the Reading road intersects the Morgantown road, to the west of Jones' tavern in Berks county." [Vol. 5, p. 29. sup.ch.3760.]

SECT. 1. [THE governor authorised to subscribe 100 shares. 2. Stock to be vested in the state, and dividends paid to the treasurer.]

Passed 28th February, 1816.—Recorded in Law Book No. XV. p. 469.

NOTE.—See (ch. 3760,) and notes thereto.

CHAPTER 4194.

An act directing the sale of certain lots in the towns of Beaver and Allegheny.

[See vol. 3, p. 56, and ch. 4513, and notes thereto.]

SECT. 1. [JAMES ALEXANDER, and others empowered to sell on the first Monday in November next, the lots yet the property of the state in the borough of Beaver. Public notice to be given of the sale, and commissioners to attend. One half the purchase money to be paid previous to the third Tuesday of December 1816, and residue on the third Tuesday of December 1817.]

SECT. 2. *And be it further enacted by the authority aforesaid*, That as soon as the whole sum bidden for any lot or lots sold under the direction of this act, shall have been paid into the treasury a patent or patents shall be issued to the purchaser or purchasers of the same: *Provided*, That should such purchaser or purchasers of lots sold as aforesaid, refuse or neglect to pay the purchase money aforesaid, and take out their patents within one year after the time herein specified, it shall then be the duty of the secretary of the land office, on the application of any other person or persons, and on the payment by them of the sum due on such lot or lots, to issue a patent or patents to such person or persons, which shall vest a title or titles in them as fully and effectually as though such person had been the original purchaser. Patents to issue. Proviso. Duty of secretary.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the surveyor general shall transmit to the deputy surveyor of said county, a draft of the lots aforesaid, directing him to lay off the same, marking the boundary of each lot, and when thus laid off, to deliver to the commissioners named in the first section of this act . . . Of surveyor general.

1816. a complete draft thereof, and the said commissioners, on the completion of said sale, shall make a complete statement thereof, containing the number of the lot, the person or persons to whom sold, and the amount for which the same was sold, and transmit the same to the secretary of the land office, on or before the third Tuesday of December, one thousand eight hundred and sixteen, which statement shall be signed and certified by said commissioners, or a majority of them.

Compensation of commissioners.

SECT. 4. *And be it further enacted by the authority aforesaid,* That each of said commissioners shall receive a sum of two dollars for each day they shall necessarily spend in performing the duties aforesaid, and all reasonable expenses for advertising and selling, to be paid by the state treasurer on the settlement of their accounts.

Forfeited lots in Alleghany may be sold.

SECT. 5. *And be it further enacted by the authority aforesaid,* That in all cases where lots in the town of Alleghany have become forfeited to the commonwealth, or when no specific mode is pointed out by the existing laws, to make sale of such in, or out lots in said town, it shall be the duty of the board of property to ascertain the just value of said lots, and grant them to any person who may apply, and when the applicant pays the purchase money and fees into the treasury, a patent or patents, shall be issued for the same: *Provided,* That when any person or persons may have erected any building or buildings on any of the said lots, they shall, in all cases, have the preference in the purchase thereof, by complying with the provisions of this act, if application be made within twelve months after the said lots shall have been valued, and such lot or lots shall be valued as if no building had been erected thereon.

Passed 5th March, 1816.—Recorded in Law Book No. XV. p. 470.

CHAPTER 4195.

[Vol. 3, p. 419]

A supplement to an act entitled, "An act vesting in the corporation of the city of Philadelphia, for the use of the city, a certain lot of ground therein described."

SECT. 1. [A LOT of ground on Lombard, between 9th and 10th streets, vested in the corporation in fee, provided they purchase within one year a lot for the interment of strangers, &c. not more than one mile from the city, and double in extent.]

Passed 5th March, 1816.—Recorded in Law Book No. XV. p. 472.

CHAPTER 4196.

[Vol. 3, p. 305 See also vol. 5, p. 161]

A supplement to the act, entitled "An act for the appointment and regulation of constables in the township of the Northern Liberties, in the county of Philadelphia."

SECT. 1. [THE electors of the N. L. shall on the 3d Saturday [altered to the Friday preceding the 3d Saturday ch. 4347,] in March elect four persons inhabitants in addition to the eight to be elected by the act (vol. 3, p. 305,) and return their names to the Q. S. who to appoint two, and shall have the same power to appoint another to serve for the residue of the term which the person in whose room he shall be so appointed was entitled to serve as is

given by the act vol. 3, p. 305. 2. Additional constables to enter into recognizance as provided by the original act and the act (vol. 5, p. 161,) and shall be liable to same restrictions and entitled to all the privileges and fees that the constables of the N. L. are.]

1816.

Passed 5th March, 1816 —Recorded in Law Book No. XV. p. 473.

NOTE.—Act allowing constables compensation attending the courts, (ch 3813)

Their duty in the city and county of Philadelphia as to making return of retailers of spirituous liquors, (ch. 4644.)

Northern Liberties erected into eastern and western districts, (vol. 3, p. 202)

Part between west side of 6th street and the Delaware, and between Vine and Cohocksink creek incorporated, (vol. 4, p. 35)

Northern Liberties divided into wards, (ch. 4515.)

The electors of the unincorporated part of the N. L. on the day appointed by law for the election of constables, to elect four persons residing therein and return their names to the Q. S. who to appoint two of them and so much of any act as authorises the election of a greater number of constables in the N. L. than here specified except in the incorporated part repealed, (ch. 4550)

Penn township erected by an order of the Q. S. 1808.

Act to incorporate that part lying between the middle of Sixth street and the river Delaware and between Vine street and Cohocksink creek, (ch. 4711.)

Kensington district incorporated, (ch. 4837)

Act regulating the proceedings against constables, (ch. 4893.)

No person permitted to serve as constable or as deputy constable more than two years in any term of three years, and

it shall be unlawful for any constable to serve as a deputy constable until the expiration of one year after he has ceased to be a constable, and for any deputy constable to serve as a constable until one year after he has ceased to be deputy constable, (ib.)

No general or partial deputation shall be made without the approbation of the sessions of the proper county first obtained, except in cases of special deputations at the risque of a plaintiff and required by the urgency of the occasion. Nothing contained in this section to be construed to interfere with any law relating to the election of constables in the city of Philadelphia, (ib.)

Any constable of the city or county of Philadelphia authorised to arrest without warrant all offenders against the rules established for the directions of the affair of the bridge over the Schuylkill at Philadelphia, to carry them before any justice in the county or the Mayor or any aldermen of the city, (ch. 5032.)

Duties of constables under the act laying a duty on foreign merchandize, (ch. 5064.)

Superintendent of police of N. L. and Southwark vested with the power and emoluments of constables, (ch. 4248)

See ch. 4893 and notes thereto for a reference to the laws on the subject of constables generally, see ch. 4893 as to N. L. and Southwark, (ch. 4248.)


CHAPTER 4197.

A supplement to the act, entitled " An act to incorporate the city of Philadelphia."

[Vol. 2, p. 462, see also p. 107-8 and vol. 1, p. 538 539.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the mayor, recorder and aldermen of the city of Philadelphia, or any three or more of them, whereof the mayor, or recorder for the time being, shall be one, shall have full power and authority, and they are hereby vested with full power and authority to hold the Mayor's Court for the city of Philadelphia, as fully and effectually as the said mayor, recorder and aldermen, or any four of them might or could do by virtue of the twentieth section of the act to which this is a supplement, and generally to do, execute and perform all and singular the powers and au-

Vol. 2, p. 467

1816.  thority vested in the said mayor, recorder and aldermen by the said twentieth section of the act aforesaid.

Passed 5th March, 1816—Recorded in Law Book No. XV. p. 474.

NOTE.—By the act vol. 2, p. 462, the Mayor, Recorder and Alderman or any four of them were authorized to hold the Mayors court.

The Mayor's Court and Q. S. of Philadelphia authorised to allow the constables a compensation for making return of the retailers of spirituous liquors, to be paid by orders on the guardians of the poor, (ch. 4644.)

Authorised to issue process on forfeited recognizances, (ib.)

A writ of error, founded on the 21st sect. of the act to incorporate the city of

Philadelphia (vol. 2, p. 467,) to the Mayor's Court, to remove the record of an indictment is not grantable of course but must have the consent of the attorney general, or a judge of the Sup. Court. The provision, in the section, that these writs shall be granted of course in like manner, &c. as other writs, must be understood with reference to the manner in which other writs of error were granted. 4 Bin. 424. See also vol 3, p. 30.

See ch. 4877 for a general reference to the laws respecting the city of Philadelphia since 1812.

CHAPTER 4201.

An act to erect the town of Indiana, in the county of Indiana, into a borough.

SECT. 1. [ERECTED into a borough. Its limits. 2. Electors must have resided twelve months in the borough. Election to be held at the court house on the first Monday in May annually. Burgess and five town council men to be chosen. Judge, clerk and inspector of election to be previously chosen. Election to be conducted as prescribed by the general election law. Judge, inspector and clerk to take an oath or affirmation. To make out certificates one to be transmitted to the person elected, and the other filed with the records of the corporation. Vacancies to be supplied by a new election. 3. Corporation to be styled "The Burgess and Town council of the borough of Indiana." Yearly value of corporate property not to exceed five thousand dollars. No misnomer or failure of electing officers on the day appointed to dissolve the corporation. 4. Twenty dollars penalty for refusing to serve when elected. No person to serve more than two years in six. 5. Burgess to take an oath or affirmation and have the right of administering oaths, &c. 6. Town council may make by-laws, &c. levy taxes and appoint a town clerk, street commissioners, treasurer, &c. Laws to be published. No by-laws, &c. to be repugnant to the laws and constitution of the United States or of this state. Tax not to exceed one per cent in a year unless for some purpose of general utility approved by a majority of the taxable inhabitants. 7. Burgess to issue his precept to the high constable to collect taxes, &c. 8. Treasurer clerk, constable, and other officers appointed by the town council to render their accounts annually to the council. Accounts to be published. 9. By-laws, ordinances, &c. to be recorded. Town clerk to attend meetings, keep the seal and records of the corporation. Treasurer and high constable to give security. Treasurer, high constable, town clerk, or either of them may be removed by the burgess on complaint made by the council. Appeal allowed to the Quarter Sessions to persons aggrieved.]

Passed 11th March, 1816.—Recorded in Law Book No. XV. p. 476.

NOTE.—Electors of the borough authorised to elect two citizens and return their names to the Q. S. one to be appointed constable, (ch. 4843.)

CHAPTER 4202.

1816.

An additional supplement to an act, entitled "An act authorising the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna opposite Harrisburg to Pittsburg."

[Vol. 4. p. 279,
see also, ch.
3858, 4060,
4611, 4966.]

SECT. 1. [THE governor authorised to draw his warrant in favour of the Stoystown and Greensburg turnpike company, for such part of the states subscription as would be payable under the 9th and 10th sections of the act, (ch. 3858,) if five miles of the road was completed, and when five miles completed for a further half proportional part of said subscription, in proportion to the distance progressively in advance, and so on in advance on the completion of said section, and of any subsequent section of five miles.—Treasurer of the company to deliver to the governor a bond in 20,000 dollars, in the surety conditioned for the faithful application of such sums so advanced, agreeably to the acts of assembly.]

Passed 11th March, 1816.—Recorded in Law Book No. XV. p. 480.

NOTE.—The corporate style of this company is "The President, Managers and Company of the Harrisburg and Pittsburg Turnpike Road," vol 4, p. 279.—This company afterwards divided into five, see ch. 3858, and 4966, and notes thereto,

CHAPTER 4203.

A supplement to the act, entitled "An act to enable the governor to incorporate a company to make an artificial road, by the best and nearest route, from the west end of the borough of York to the borough of Gettysburg, in the county of Adams." [Ch. 4075, 4437, 4771.]

SECT. 1. [THE governor authorised to subscribe 150 shares, and as soon as five miles of the road are completed as required by the act, (ch. 4075) to draw his warrant for such parts as shall be in proportion to the whole distance, and so until the road is completed.
2. Stock to be vested in the state, and dividend to be paid into the treasury.]

Passed 11th March, 1816.—Recorded in Law Book No. XV. p. 481.

NOTE.—The style of this company is "The President, Managers and Company of the York and Gettysburg Turnpike Road," see ch. 4075 and 4771.

CHAPTER 4205.

An act to provide for the election of a constable in the borough of Columbia, in the county of Lancaster. [Incor. ch. 3852.]

SECT. 1. [THE electors at the usual time for election of constables, yearly to elect two persons, and return their names to the Q. S. who to appoint one of them constable, to have same power, &c. and be subject to all the penalties, &c. as other constables.]

Passed 11th March, 1816.—Recorded in Law Book No. XV. p. 483.

NOTE.—See ch. 3852, and notes there. proceedings against constables and notes to. See also act, ch. 4893, regulating thereto.

1816.

CHAPTER 4206.

[Sup. ch.
4568]

An act providing for the sale of the State House and State House Square in the city of Philadelphia.

Proceeds of
the sales
pledged for
building a
capitol.

[SECT. 1, 2, 3, 4, 5 in part, and 6, obsolete.]

See ch. 4229,
and notes
thereto.

SECT. 5. [After directing the manner of payments] the nett proceeds of the sales directed by this act, shall be reserved and are hereby pledged as a fund for the purpose of building, or to replace the sum or sums of money which may be drawn from the treasury and expended in building a state capitol at the seat of government.

Property of-
fered to the
city for
\$70,000.SECT. 7. *And be it further enacted by the authority aforesaid,* That if the corporation of the city of Philadelphia, known by the name of the "Mayor, aldermen and citizens of Philadelphia," shall at any time ten days previously to the day to be appointed for the sale of the said lots on the first day of June next, contract with the governor, who is hereby authorised to make the contract, for the sale of the state house and square, with the exceptions hereinafter made, together with the aforesaid clock, for the sum of seventy thousand dollars, and pay into the Bank of Pennsylvania, to the credit of this commonwealth, one-third part of the purchase money, and deposit a receipt therefor within five days thereafter in the hands of the state treasurer, or the commissioners appointed to make sale of said state house and square, it shall be the duty of the governor or commissioners, as the case may be, to stop the sale of said lots; and on the said corporation making payments of the residue of the purchase money, in the same proportion, manner and times that payments are hereinbefore directed to be made for lots, the governor shall, when the whole purchase money shall have been paid, make a deed in the name of the commonwealth for said state house and square, vesting the title in the said corporation in fee simple: *Provided, always, nevertheless,* and it is hereby declared to be the true intent and meaning hereof, that no part of said ground, lying to the southward of the state house within the wall as is now built, be made use of for erecting any sort of buildings thereon, but that the same shall be and remain a public green and walk for ever.[Sold to the
corporation.]

Payments.

Proviso.

SECT. 8. [Obsolete.]

Lots except-
ed.SECT. 9. *And be it further enacted by the authority aforesaid,* That there is hereby excepted out of the state house square, and shall not be liable to be sold, the two lots, one on the north-east corner and the other on the north-west corner of said square, as the same have been reserved and excepted for the use of the county and city of Philadelphia, under the third section of the act of the seventeenth of February, one thousand seven hundred and sixty-two; and the lot on the east side of the said square, granted to the American Philosophical Society under the act of the twenty-eighth of March, one thousand seven hundred and eighty-five; and the two public offices, which, by the act of March the twenty-fourth, one thousand eight hundred and twelve, were put into the possession of the commissioners of Philadelphia county, which said offices are hereby released from the claim of the state, and given and granted, in fee simple, in lieu of the expense laid out in repairs on the state house yard, and the offices and ground on which they stand, or on which they

Vol. 1, p. 242.

Vol. 2, p. 311.

Vol. 5, p. 340.

are allowed by said act to stand, are hereby granted and confirmed to the said city and county of Philadelphia for ever.

1816

SECT. 10. [Obsolete.]

Passed 11th March, 1816.—Recorded in Law Book No. XV. p. 484.

NOTE.—By act (ch. 4113,) the State House was placed under the charge of the commissioners of the county, who were authorised to rent the same, giving a preference to Charles W. Peale. Expense of repairs not to exceed the rent. Resolution of 17th March, 1802, directing C. W. Peale to take charge of the same, repealed.

The commissioners directed to deliver the possession to the corporation of the city, and in case of refusal, the sheriff required to deliver possession as directed with respect to lands, &c. by the act, vol. 1, p. 370, (see ch. 4568, and notes there-to.)

CHAPTER 4207.

An act making an appropriation for the erection of piers in the river Delaware, at the borough of Chester, in Delaware county.

SECT. 1 *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That the sum of ten thousand nine hundred and thirty-five dollars and thirty-two cents, now in the treasury of this commonwealth, collected by the board of wardens on the tonnage of vessels, under the act entitled, “An act to empower the board of wardens for the port of Philadelphia, to collect a certain tonnage for the purposes therein mentioned,” passed the first day of April, one thousand eight hundred and five, be, and the same is hereby appropriated to be employed for the erection of piers in the river Delaware, at the borough of Chester.

§10,935 32
appropriated
for piers at
Chester.

Vol. 4, p. 244

SECT. 2. *And be it further enacted by the authority aforesaid,* That David Porter, Joseph Engle and William Graham, shall be, and they are hereby appointed commissioners to do and perform the several acts and things required by this act.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners shall cause to be erected, placed and sunk in the said river Delaware, at the borough of Chester, two or more good and sufficient piers, for the security of vessels navigating the said river, and shall also cause to be built and constructed good and sufficient wharves, to be so connected with the said piers, as to afford a safe and easy landing from vessels coming to at the same; and for this purpose they shall have power to employ suitable workmen, and to obtain cessions to the commonwealth, of ground within the said borough of Chester, necessary for the erection and construction of such wharves and piers: *Provided,* That said cessions be obtained without any consideration from this commonwealth.

Commission-
ers to erect
piers and
wharves.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the state treasurer be, and he is hereby required, whenever the said work shall be commenced, to pay to the said commissioners, or their order, one-third of the sum by this act granted, one third more thereof on the completion of the first pier, and the remainder thereof after the completion of the said work.

One-third
payable when
work com-
menced.

1816.

Accounts to
be exhibited.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the commissioners shall, as soon as the said work shall be completed, or whenever thereunto required, exhibit just and true accounts of all monies received, and expenses incurred by them in the execution of the duties enjoined on them by this act, to the accountant officers of the state, who are hereby authorized and required to settle and adjust the same, and the balance or balances, if any remaining in their hands, of the appropriation hereby granted, shall be paid into the state treasury, and no compensation shall be received by the said commissioners for the performance of the duties enjoined on them by this act.

Commission-
ers to give
bond.

SECT. 6. *And be it further enacted by the authority aforesaid,* That before the said commissioners shall draw any portion of the money hereby granted, they shall give bond to the commonwealth, with two or more sufficient sureties, to be approved of by two of the judges of the Court of Common Pleas of Delaware county, in double the aforesaid sum, conditioned for the performance of the duties required of them by this act, and for the true and faithful application of the money hereby granted, to the purposes herein before mentioned, which bond shall be transmitted to the state treasurer, who shall file the same in his office.

Work to
commence
in one and
be comple-
ted in five
years.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if the said commissioners shall not proceed with the erection of the said wharves and piers, within one year after the passing of this act, or shall not within five years thereafter, finish and complete the said work, according to the true intent and meaning of this act, then, and in either of those cases, the appropriation hereby granted shall revert to the commonwealth, and the said commissioners shall refund to the state all monies which they shall have drawn from the treasury under the authority of this act, and not expended in pursuance of its provisions.

Passed 11th, March 1816.—Recorded in Law Book No. XV. p. 487.

NOTE.—This duty was imposed by act 1st April 1805, (vol. 4, p. 244,) to be in force at the expiration of one month after the consent of congress obtained and notice published to continue seven years. March 20th 1811, (vol. 5, p. 214,) continued five years.

Eight thousand dollars appropriated to the erection of additional piers at Chester to be paid to commissioners named when the work is recommenced, who to superintend the application of the monies as prescribed by the sixth section of the act in the text, (ch. 4437, sect. 13.)

Wardens to employ a person to repair piers erected or that may be erected in the Delaware by virtue of the act (vol. 4, p. 244,) and to keep in repair the road from the piers to Gloucester Point, the tonnage duties collected by the wardens, by virtue of the act (vol. 4, p. 244,) appropriated for that purpose.

Wardens to have power to borrow for the purpose on credit of the duties. Owners, &c. of vessels using the piers for purposes other than those for which erected to pay therefor, except vessels obliged to seek shelter from the ice. The proviso in the 8th sect. of the act (vol. 4, p. 67,) viz. that the amount to be drawn from the treasury in any one year for the deficiency in the expenses incurred in conducting the wardens office shall not exceed 800 dollars repealed, (ch. 4511.)

The sum of 2000 dollars appropriated to defray the expenses that have been or shall be incurred in repairing and completing the piers near Gloucester point and the road leading therefrom, for which auditor general to draw his warrant on settlement of the accounts of the wardens, (ch. 4765.)

An act to incorporate the Greensburg Manufacturing Company, in Greene county.

SECT. 1. [ASSOCIATION incorporated by the name of "The Greensburg Manufacturing Company" for eighteen years, with the usual corporate privileges. Not to issue notes in the nature of bank notes nor be concerned in any business except manufacturing. 2. Joint stock, real estate, books, &c. of the association vested in the corporation. Corporation to be liable for all the debts and contracts of the associations. Persons bound to the association to be bound to the corporation. Suits may be brought by and against the company upon such debts, contracts and obligations. 3. Stockholders, &c. liable in proportion to their original subscriptions to the corporation. Suits may be brought for such proportions. 4. Capital not to exceed 100,000 dollars in shares of 50 dollars each. Present capital may be extended within that limit. 5. Five managers to be chosen on the first Monday in April annually, who shall elect one of their number president and another treasurer. Three managers in the absence of the president may appoint one of the number to officiate *pro tempore*. Managers to supply vacancies in the board from among the stockholders. 7. Each share of stock entitled to a vote. First managers named. Corporation not to be dissolved on neglecting to hold elections as herein directed. 8. Shares to be transferred on the books of the company. 9. Dividends to be declared in the month of April every year. 10. Special meetings of the stockholders may be called upon request in writing made to the president by the holders of one half the shares and upon giving ten days notice to each stockholder.]

Passed 13th March, 1816.—Recorded in Law Book No. XV. p. 490.

CHAPTER 4210.

An act to incorporate the town of Strasburg, in the county of Lancaster."

SECT. 1. [STRASBURG erected into a borough. Its limits. 2. Electors must have resided one year in the borough. Elections to be held on the first Tuesday of April annually. A chief burgess, assistant burgess, seven town councilmen, and a high constable to be chosen. Mode of conducting elections. When two or more candidates have an equal number of votes, the preference to be decided by lot. High constable to give notice to persons elected. Vacancies to be supplied by a new election. 3. Corporation to be styled, "The Chief Burgess, and assistant Burgess and Town Council of the Borough of Strasburg." Usual corporate privileges given. Yearly value of corporate property not to exceed 5000 dollars. To have a common seal. 4. Penalty of twenty dollars, for refusing to serve when elected to either of the offices. How to be recovered and appropriated. No person required to serve more than once in four years. 5. Officers to take an oath or affirmation. 6. Town council to meet on the first Mondays of April, July, October, and January. Five members a quorum. May make by-laws, ordinances, &c. levy taxes, appoint town clerk, treasurer,

1816. supervisors, clerk of the market, and collector, &c. and remove them from office. No by-law, ordinance, &c. to have force which is repugnant to the constitution and laws, of the U. S. or of this state. No person to be punished for breach of a by-law until ten days after its promulgation. Tax not to exceed one half per cent. in a year unless for some object of general utility approved of by a majority of the taxable inhabitants. [Provided that out lots and other lands within the borough not to be subject to taxation until they are laid out in town lots, shall continue to be taxed for county purposes as heretofore, repealed, (ch. 4694.)] 7. Chief Burgess, or in his absence, &c. the assistant to issue his precept to the collector to collect taxes, &c. To carry into effect all the by laws and ordinances of the corporation. 8. Town clerk to attend meetings of the council, keep the records and seal of the corporation, and attest their acts. 9. Treasurer to give security. Officers appointed by the council to account to them annually. Accounts to be published. 11. Court of appeal from taxes. 12. High constable to give notice of elections. 13. Judges, inspector, and clerks of elections to be allowed one dollar a day each. Town council to fix salaries of all officers appointed by them which shall not be increased or diminished during the term for which they are appointed. Persons refusing to serve when appointed, to incur a penalty of ten dollars. No one required to serve more than one year in five. 14. Appeal given to the Common Pleas, except as to borough taxes.]

Passed 13th March, 1816.—Recorded in Law Book No. XV. p. 493.

CHAPTER 4212.

[Vol.4,p.370.
vol. 5, p. 156,
276, ch.
3833, 4187,
4902, (4895,
sec.27)5012.]

An additional supplement to an act, entitled "An act to incorporate a company for making an artificial road from Harrisburg, through Lewistown and Huntingdon, to Pittsburg.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Notice of time and place of receiving subscriptions. Three dollars to be paid on subscribing. 2. When 20 persons have subscribed 150 shares, the governor, may incorporate. Style, "The President, Managers, and Company of the New Alexandria and Connemaugh Turnpike Road Company," with the usual corporate powers. 3. Commissioners named to receive subscriptions, &c. Form. Commissioners, &c. subjected &c. as above. 4. When 25 persons have subscribed 250 shares, company to be incorporated by the style of "The Pittsburg, and New Alexandria Turnpike Road Company," with the usual corporate powers. 5. When the companies incorporated, the governor to subscribe on behalf of the state, two-thirds of the amount, in proportion to the distance of said road as required by law to subscribe to the Greensburg and Pittsburg turnpike road, and to be paid under same regulation. 6. These companies to be conducted by, and be entitled to all the provisions of the third section of the act (vol. 5. p. 156,) as if the

same were re-enacted, except as to giving notice, which to be regulated by the by-laws of said corporation.]

Passed 13th March, 1816—Recorded in Law Book No. XV. p. 499.

NOTE.—See ch. 3833, 4902, 5012, and notes thereto.

CHAPTER 4214.

An act to authorise the removal of the prisoners confined in the jail, or debtor's apartment, in the city of Philadelphia, to the new prison, and for other purposes.

WHEREAS, it has been represented to the legislature, by the inspectors of the prison, and by the grand inquest of the commonwealth of Pennsylvania for the city of Philadelphia, that it will be useful to convert the debtors' apartment in said city into a house of correction, and that the persons now confined therein be removed to and confined in the new prison in Arch street.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the city and county of Philadelphia, be, and they hereby are authorised to prepare such parts of the new prison in Arch street, as may be necessary for the reception and comfortable and safe keeping of such persons as now are or hereafter may be confined for debt within the said city and county, and that the sheriff thereof shall, as soon as the same shall be sufficiently prepared, remove thereto all such debtors as shall then be confined in the present debtors' apartment, and therein safely keep them and such other debtors as shall thereafter be confined within his bailiwick, and shall be, and hereby is exonerated from any charge of escape for having safely removed such prisoners as aforesaid.

Duties of
commission-
ers & sheriff.

SECT. 2. *And be it further enacted by the authority aforesaid,* That as soon as the said debtors shall have been removed as aforesaid, the inspectors of the prison of the city and county of Philadelphia, shall cause such alterations as they shall deem necessary to be made in the building now occupied as a debtors' apartment, and in the yard thereof, and shall use the same as a house of correction for the reception and safe keeping of untried prisoners charged with crimes, witnesses, vagrants, fugitives from service, servants and apprentices; and may use the apartments now appropriated for their accommodation, and also so much of the yard of the present debtors' apartment as may be deemed requisite for the confinement, accommodation and employment of convicts.

Inspectors
to make al-
terations.

SECT. 3. *And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall be construed in any wise to affect any title which this commonwealth, or any individual or body corporate or politic, may have or claim in the said new prison, or the lots whereon the same is built, or to prevent any future legislature from repealing, altering or amending all or any of the provisions of this act.

Title of the
state not to be
altered.

Passed 13th March 1816.—Recorded in Law Book No. XV. p. 503.

NOTE.—See ch. 3854 and 5037, and notes thereto.

1816.

CHAPTER 4215.

An act to authorise the governor to incorporate a company to erect a bridge over the river Juniata at the borough of Huntingdon.

SECT. 1. [COMMISSIONERS named, to receive subscriptions. Form. Price of shares fifty dollars. Five dollars to be paid on subscribing. 2. When 15 persons shall have subscribed 80 shares commissioners to certify it to the governor who to incorporate by the name of "The President, Managers and Company for erecting a bridge over the river Juniata at the borough of Huntingdon" with power to enlarge their capital if necessary and the usual corporate privileges. Thirty days notice to be given of the time and place of organizing the company. A president, six managers and a treasurer to be elected by ballot. No person to have more than six votes. 4. Meeting of stockholders for choosing officers to be held on the first Monday in May annually. 5. Certificates of stock to be issued and be transferable. 6. President and managers to meet as shall be directed by the by-laws. Five members a quorum. Shall keep minutes. May appoint engineers, workmen, &c. fix their wages, determine the times of paying instalments, &c. 7. Penalty for neglecting to pay instalments. 8. President and managers to keep accounts of receipts and expenditures and submit them annually to the stockholders. Capital may be increased if necessary. 9. Bridge when completed to vest in the company. Rates of toll. Any person or persons attending divine service on the Sabbath day, or funerals, any detachment of the military of this state or of the United States or militia attending their duty on days of training and all students or children attending any school or seminary of learning shall be exempt from toll. Bridge must not injure the navigation.]

Penalty for
demanding
illegal toll.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the said company, their successors and assigns, or whoever may own or possess the said bridge, shall collect or demand any greater rates or prices for passing over the said bridge, than what is herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of fifteen dollars, one ^{society} thereof for the use of the poor of the borough of Huntingdon ^{person} and the other moiety for the use of the person who may sue for the same: *Provided,* That no suit or action shall be brought unless within thirty days after such offence shall have been committed.

SECT. 11. [President and managers to keep just accounts of tolls received and monies expended, and to declare dividends of the clear profits on the first Mondays of May and November annually. 12. Abstract of accounts to be laid before the legislature every two years. Tolls to be increased or diminished in certain events. 13. Governor authorised to subscribe for twenty shares, to be paid for when the abutments and piers are erected, and to vest in the commonwealth.]

CHAPTER 4218.

1816.

An act to authorise the governor to incorporate a company for erecting a bridge over the north-east branch of the river Susquehanna, between the town of Catawissa and the mouth of Fishing creek.

SECT. 1. [COMMISSIONERS appointed to procure books and receive subscriptions. Form of subscription. Price of shares 25 dollars. Notice to be given of the time and place of opening books. Commissioners may adjourn from time to time on giving notice. Books to be closed when 1500 shares are subscribed. Shares how to be apportioned in certain cases. Two dollars a share to be paid on subscribing. 2. When 800 have been subscribed by 50 persons the commissioners may certify it to the governor who shall incorporate the subscribers by the name of "The President, Managers and Company for erecting a bridge over the north-east branch of the Susquehanna between the town of Catawissa and the mouth of Fishing creek." Usual corporate privileges given. 3. Notice of the time and place of organizing the company. A president, six managers and treasurer to be elected by ballot, to serve one year. To enjoy like powers and be subject to like restrictions as the company for erecting a bridge over the Susquehanna at Nescopeck falls; (see vol. 4, p. 412.)]

Passed 16th March, 1816.—Recorded in Law Book No. XV. p. 513.

CHAPTER 4219.

An act for holding special courts of Common Pleas.

[Sup ch. 4572
4990.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That whenever it shall happen that the president of any judiciary district in this commonwealth, shall have been, previously to his appointment, concerned as counsel in any suits or actions depending and untried in any county of his district, and in case any person shall be hereafter appointed president of any judiciary district of this commonwealth, who, previously to such appointment, shall have been concerned in any actions or suits depending and untried in any county appertaining to his district, or shall be personally interested therein, it shall be the duty of such president to give notice thereof to the prothonotary of the court in which such cause shall be depending; which prothonotary shall, forthwith, make out a list of all such causes, and transmit the same to the president of such other district, who may reside nearest to the place where any such cause is to be tried and determined, and on the receipt of such list, it shall be the duty of such president to appoint a time for holding a special court within the county where any such suit is or ought to be tried and determined, and to hold the said special court with one or more of the associate judges of the county: and all other proceedings shall be had as if such causes had been tried and determined by the proper president of the district, and the like proceedings shall be had in all cases subsequent to trial and judgment thereon by appeal or writ of

In cases where president has been of council, the president of an adjoining district shall preside.

Duty of prothonotary.

1816

 Proviso.

error; and such special courts may be adjourned from time to time until all such causes shall be finally determined: *Provided*, That the notice for holding any such special court shall not be less than sixty days.

Compensa-
 tion.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the presidents holding such special courts, in addition to his salary, shall have and receive five dollars for each day he shall attend and hold such special court, and in going to and returning from the same, to be paid as the stated salary of such president is directed by law to be paid.

Repeal of
 former laws.
 Vol. 5, p. 315
 Ch. 3932.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the first day of April next, the act entitled "An act relative to the courts of common pleas in the county of Cumberland," passed the thirteenth day of March, one thousand eight hundred and twelve, also, "An act authorising the holding of special courts in the counties of Huntingdon, Mifflin and Centre," passed the twenty-eighth day of March, one thousand eight hundred and fourteen, be, and the same are hereby repealed.

Passed 15th March, 1816.—Recorded in Law Book No. XV. p. 517.

NOTE.—President of the 4th district to give notice to the prothonotaries of Huntingdon, Mifflin, and Centre, of suits wherein he was counsel or interested, who to make out a list of the same and transmit it to the president of the 9th district, who to hold a special court for the trial of the same, to receive in ad-

dition to his salary, five dollars per day, (ch. 4990.)

President of the 4th district authorised to try causes in Bradford county, in which president of that court shall have been counsel, under the provision of the act in the text, (ch. 4990.)

See ch. 4572, and notes thereto.

CHAPTER 4220.

An act to enable the governor to subscribe to a certain number of shares in the stock of certain turnpike companies.

Governor to
 subscribe for
 50 shares.
 Incor. vol 5,
 p. 256, 246.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met and it is hereby enacted by the authority of the same*, That the governor be, and he is hereby required and instructed to subscribe fifty shares in the capital stock of the Clifford and Wilkesbarre turnpike company, and one hundred shares in the capital stock of the Bridgewater and Wilkesbarre turnpike company.

Draw his
 warrant for
 proportional
 sum.

SECT. 2. *And be it further enacted by the authority aforesaid*, That as soon as any section of the said roads, not less than five miles, shall be completed, the governor is further required and authorised to draw his warrant on the state treasurer in favour of the said company, for such part of the amount of stock to be paid by the commonwealth, as shall be in proportion to the whole distance of the said turnpike road, and so from time to time until the whole of said roads shall be completed.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the subscription and payments authorised to be made by virtue of this act, shall, for every share subscribed and paid, vest in the

commonwealth all the rights, estates and emoluments appertaining to a share or shares held by individual stockholders, and as often as a dividend shall be declared by the directors of said companies, or either of them, the proportion thereof due to the state shall be paid into the treasury of the commonwealth.

1816.

Stock to be
vested in the
common-
wealth.

Passed 15th March, 1816 — Recorded in Law Book No. XV. p. 518.

CHAPTER 4221.

An act to provide for the erection of two arsenals.

[See ch. 4103,
4345, 4453,
4707, 5078,
sec. 57.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That there shall be erected on the lot of ground belonging to the commonwealth in the county of Dauphin, a substantial brick arsenal, and a substantial brick arsenal at Meadville, in the county of Crawford, both to be covered with slate or tile.

To be erected
at Harrisburg
and Mead-
ville.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each of the said arsenals shall be of such dimensions as to admit of the convenient storage of any number not exceeding ten pieces of artillery, with the necessary apparatus thereto belonging, ten thousand muskets or rifles, sixteen hundred tents, ten thousand knapsacks, ten thousand cartouch boxes, sixteen hundred camp kettles, sixteen hundred mess pans, and also to contain a fire-proof apartment with space sufficient for two persons to work in repairing or making arms.

Dimensions.

SECT. 3. [Obsolete.]

SECT. 4. *And be it further enacted by the authority aforesaid,* That as soon as the arsenals shall be finished, the governor shall direct the adjutant general to have such part of the public property as he may deem proper, to be deposited therein, and shall appoint an armorer or competent person to take charge of each of the same, and shall also appoint an armorer or competent person to take charge of the state arsenal in the city of Philadelphia, immediately after the passing of this act, [repealed as to the appointment of armorer, and duties, &c. transferred to brigade inspectors, except as to additional security, (ch. 5078) sect. 57,] whose duties respectively it shall be to receive, take charge of, and to put or cause to be put and kept in good repair, all arms and equipments, or other public property ordered to be stored therein; and the said armorers, respectively, shall annually, in the month of December, make report to the legislature and to the governor at all times when by him required, of the number and condition of all the arms and military stores entrusted to his care, and of such as may have been given out by order of the governor; and the said armorers respectively, shall give sufficient security to the governor for the use of the commonwealth, in the amount of ten thousand dollars, for the faithful performance of the duties of his office, and shall receive for his services a compensation of thirty dollars per month: *Provided,* That this section shall not be so construed, as to authorise or direct the governor to remove from the

Public pro-
perty to be
deposited in
the arsenals.

Proviso.

1816. bounds of the respective brigades within this commonwealth, such muskets or rifles as he shall think proper to leave in the care of the several brigade inspectors for the use of volunteer companies within their respective brigades.

Expense, how adjusted and paid. *SECT. 5. And be it further enacted by the authority aforesaid,* That all claims and demands arising from expenses incurred on appropriations under this act, after having been approved of by the accountant officers, shall be paid by the state treasurer in the usual manner.

SECT. 6. And be it further enacted by the authority aforesaid, That the sum of twenty thousand dollars be, and the same is hereby appropriated for the purposes herein mentioned.*

Passed 15th March 1816.—Recorded in Law Book No. XV. p. 519.

NOTE.—Act for the preservation of arms and military stores, (ch. 4108 and 5078, sect. 57.)

Arsenal at Meadville, to be covered with sheet iron, and appropriation for the expense, (ch. 4345.)

Department of accounts authorised to settle the accounts of William Clark, for work at the arsenal at Meadville; the ground about the same to be levelled, &c. (ch. 4707.)

Brigade inspectors to have charge of the arsenals at Philadelphia, Harrisburg, and Meadville, and to receive each an additional compensation of 100 dollars, the duties to be the same as those required from the armorer, by the 4th sect. of the act in the text, except as to security, (ch. 5078, sect. 57.)

CHAPTER 4222.

[Ch. 3927.] A supplement to an act, entitled “An act to authorise the governor to incorporate a company for erecting a bridge over the west branch of the river Susquehanna, from the east end of Market street in the town of Lewisburg, in the county of Union, to the opposite.”

SECT. 1. [THE governor authorised to subscribe 400 shares. Ten thousand dollars to be paid when it is certified to the governor by three persons to be appointed by him that the abutments and piers have been erected. Ten thousand, when the bridge completed. Stock to be vested in the commonwealth, and dividends paid into state treasury.]

Passed 15th March, 1816.—Recorded in Law Book No. XV. p. 521.

CHAPTER 4224.

An act to authorise Andrew Flemming to erect and maintain a toll bridge over Oil creek, in the county of Venango.

SECT. 1. [SITE at the place where the public road crosses the creek at Flemming’s mills. Rates of toll. 2. Work to be commenced in two, and completed in four years.]

* The sum of \$5224 47, appropriated to restore the same sum drawn to repair arms at Philadelphia, &c. out of the 20,000 dollars. Accounts to be settled as provided by the 5th sect. of the act in the text. This and the unexpended balance of the former appropriation to be applied for the purpose of completing the two arsenals, (ch. 4453.)

SECT. 3. *And be it further enacted by the authority aforesaid,* 1816.
 That if the said Andrew Flemming, his heirs or assigns, shall neglect to keep the said bridge in good and perfect order and repair, so as to render it dangerous or difficult for travellers and others to cross the same, for the space of one week, and information thereof shall be given to any justice of the peace of the county of Venango, such justice shall issue his precept, directed to any constable, commanding him to summon three disinterested freeholders to meet at a certain time in the said precept to be mentioned at the said bridge, of which said meeting reasonable notice shall be given to the owner of said bridge, and the said justice shall, at such time and place, by the oaths or affirmations of the freeholders, or any two of them, inquire whether the said bridge is in good and perfect order and repair as aforesaid, and if upon such inquiry, the said bridge shall be found by the said inquisition, not to be in good order and repair, according to the true intent and meaning of this act, he, the said justice, shall certify the same, and send a copy of the inquisition to the said Andrew Flemming, his heirs or assigns, and from thenceforth the said tolls hereby granted shall cease to be demanded, paid or collected until such defective part or parts of the said bridge shall be put in good and perfect order and repair as aforesaid.

Penalty on neglecting to keep bridge in repair.

Mode of proceeding.

SECT. 4. *And be it further enacted by the authority aforesaid,*
 That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks belonging to the said bridge, or any stone or stones or other materials belonging in anywise to the said bridge or breakers, or otherwise wilfully damage the same, he, she or they so offending, shall, on conviction thereof, forfeit and pay for every such offence, over and above the damages done to the bridge or breakers, any sum not exceeding twenty dollars, to be recovered in the same manner as debts not exceeding one hundred dollars are by law recoverable, with costs of suit, for the use of the owner or owners of said bridge at the time the said offence shall have been committed.

Penalty on injuring the bridge.

SECT. 5. *And be it further enacted by the authority aforesaid,*
 That nothing in this act contained shall extend to authorise the said Andrew Flemming, his heirs or assigns, or any person for them, to erect a bridge in the manner, in this act before mentioned, so as to interfere in any way with, stop, injure, or interrupt the navigation of the said creek, or prevent boats from crossing, or persons from fording the same.

Bridge not to obstruct the navigation.

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 523

CHAPTER 4225.

An act to review part of the state road from the mouth of Beaver creek, to the top of the hill north-west of Greersbürg.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the Court of Quarter Sessions of the county of Beaver, be, and

Q. S. to appoint review-ers.

1816.

Draft to be
deposited
with clerk.

they are hereby directed to appoint five suitable persons, one of whom shall be a practical surveyor, to review that part of the state road laid out from the end of the bridge near the mouth of Beaver creek in said county, to intersect the post road near Petersburg in the state of Ohio, which lies between the end of said bridge and the top of the first hill north-west of Greensburg and that the court house in the borough of Beaver, be the point at which the said reviewers shall commence, and from thence the nearest and best route to the hill aforesaid, and if upon the report of the said viewers, or any four of them, making any alterations of said road, the court shall approve of the same, a draft with the courses and distances of the said road, shall be filed in the office of the clerk of the said court, a duplicate whereof shall be transmitted by him to the secretary of the commonwealth, and the road so laid out and approved of, shall be a part of the state road aforesaid, and that part rendered unnecessary shall be vacated.

SECT. 2. [The sum of two dollars per day be allowed to each of the said viewers.]

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 525.

CHAPTER 4227.

[Ch. 4122.] A supplement to the act, entitled "An act to authorise James Barton and George Biddis, their heirs and assigns, to convey water from a spring or stream of water called the Vandine Kill, into the town of Milford, in the county of Pike.

SECT. 1. [THE provisos in the 2d, and the whole of the 4th and 5th sections of the act, (ch. 4122,) repealed. 2. Price of water regulated; not to exceed 60 dollars for a right to use the water forever. Penalty on using the water without leave, &c. one dollar. 3. Barton and Biddis to have a sufficient quantity of water and keep the pipes in repair. If inhabitants deprived of water ten days, penalty not exceeding ten dollars. Water to be used gratis in case of fire, and by waggoners and travellers passing through the town. 4. Time for completing the work extended three years. No injury to be done to private property without consent of owners. 5. At the expiration of 20 years, the citizens of Milford may purchase the rights, &c.]

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 525.

NOTE.—By the original act passed 13th March, 1815, (ch. 4122.) Sect. 1. They were authorised to convey the water from a spring called the Vandine Kill into Milford along the streets &c. in logs, &c. and to erect hydrants and other buildings necessary to introduce and secure the water. 2. May sell the water on terms

to be agreed on, [proviso repealed.] 3. They may sue for the recovery of debts due for use of water. Penalty on injuring the works; such damages as justices, or referees may adjudge. 4th and 5th repealed. 6. Misuser or abuser of the privileges granted to work a forfeiture. Recorded in book, No. XV. p. 302.

CHAPTER 4228.

1816.

A supplement to the act for the relief of insolvent debtors.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* [Ch. 3926, 4106, 4796, 4892, 4653, 4892.] if any debtor, petitioning for the benefit of the insolvent laws, shall, with intent to defraud all or any of his creditors, collude or contrive with any person or persons, for the concealment of any part of his estate or effects, or with intent to defraud all or any of his creditors, shall conceal or convey to any person or persons, for the use of himself or of his family or friends, whereby to expect any future benefit to him or them, any part of his estate, effects or credits, such debtor shall, on being duly convicted thereof in the Court of Quarter Sessions of the proper county, suffer imprisonment for a term not less than one year nor more than three years, at the discretion of the court. Penalty on fraudulent concealment.

SECT. 2. *And be it further enacted by the authority aforesaid, That* whenever the court to which the debtor shall apply by petition, shall be satisfied, on hearing the debtor, the creditors, or other evidence, that there is just ground to believe that the debtor, with intent to defraud all or any of his creditors, hath colluded or contrived with any person or persons, for the concealment of any part of his estate or effects, or with intent to defraud all or any of his creditors hath concealed or conveyed to any person or persons, for the use of himself or any of his family or friends, whereby to expect any future benefit to him or them, any part of his estate, effects or credits, the said court shall commit such debtor to the jail of the county for trial at the Court of Quarter Sessions, and if no bill shall be presented to the grand jury at the next sessions, or if such bill shall be presented and shall not be found by the grand jury, or if such bill shall be returned a true bill, and on trial such debtor shall be acquitted, it shall be the duty of the court to discharge the said debtor from his imprisonment, as directed by the act to which this is a supplement: *Provided also,* That if the said indictment shall not be tried at the second sessions after the commitment of such petitioner, it shall be the duty of the court to discharge him from his said imprisonment, as directed by the act to which this is a supplement, unless such postponement take place at the request of such petitioner: *Provided also,* That at the expiration of the term for which, on conviction, such petitioner may be imprisoned, he be still retained in custody under the original execution, and until he shall be discharged agreeably to the provisions of the act to which this is a supplement. Court to commit on suspicion of fraud.
Debtor to be discharged if not found guilty.
Proviso.
2d proviso.

Passed 18th March, 1816—Recorded in Law Book No. XV. p. 528.

See ch. 3926, 4892 with notes thereto.

CHAPTER 4229.

An act providing for the erection of a State Capital.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly* [Ch. 4432, 4647, 4879, 5011.]
VOL. 6. 45

1816.
 §50,000 ap-
 propriated.

met, and it is hereby enacted by the authority of the same, That the sum of fifty thousand dollars be, and the same is hereby appropriated, for the purpose of purchasing materials for building a state capitol, on the public ground in or adjoining to the borough of Harrisburg, for the accommodation of the legislature, to be paid in the manner hereinafter mentioned, out of any money in the treasury not otherwise appropriated.

SECT. 2. [Governor to advertise for proposals, with a ground plan and elevation of the building to be submitted to the legislature.]

Governor, sec-
 retary and
 auditor genl.
 to appoint a
 person to
 procure ma-
 terials.

SECT. 3. *And be it further enacted by the authority aforesaid, That the governor, secretary of the commonwealth and auditor general, or any two of them, be, and they hereby are authorised and directed to employ, for such compensation as they shall think reasonable, some competent person, whose duty it shall be, under their direction, to procure the necessary and suitable materials for erecting the said capitol, to be delivered on the public ground aforesaid.*

Accounts,
 how adjusted
 and paid.

SECT. 4. *And be it further enacted by the authority aforesaid, That the accounts for materials delivered, or services performed, shall be presented to the person so employed, who, if he approve thereof, shall certify the same to the accountant department, and if approved by the officers therein, shall be paid by the state treasurer in the usual manner, to the person or persons, or their order, who shall furnish the materials or perform the services.*

Secretary to
 cause public
 ground to be
 levelled and
 enclosed.

SECT. 5. *And be it further enacted by the authority aforesaid, That it shall be the duty of the secretary of the commonwealth, to cause the public ground to be levelled and improved in a suitable manner, and the same to be inclosed with a good fence, for which purposes a sum not exceeding one thousand dollars is hereby appropriated, to be paid in the manner prescribed in the fourth section of this act, on accounts certified by the secretary of the commonwealth.**

SECT. 6. [Obsolete.]

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 529.

NOTE.—See ch. 4647, 4879, and notes thereto.

CHAPTER 4220.

An act to authorise the governor to incorporate a company for erecting a permanent bridge over the river Delaware at Stockport, in Wayne county.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 25 dollars. Notice to be given of the time and place of opening books. Commissioners may adjourn from time to time. Books to be closed when 240 shares are subscribed. Two dollars a share to be paid on subscribing. 2. When 120 shares subscribed commissioners to certify it to the governor who shall thereupon issue his letters patent creating the subscribers a body corporate by the name of "The President, Mana-

* Accounting officers to settle the accounts pursuant to this section and the auditor general to draw his warrant for whatever may be deficient in the appropriation, (ch. 4432.)

gers and Company of the Delaware bridge at Stockport. Usual corporate powers granted. 3. One month's notice to be given of the time and place of organizing the company. A president, six managers and treasurer to be elected by ballot. 4. Stockholders to meet annually on the first Monday of October to choose officers, &c. 5. Certificates of stock to be issued and be transferable. Lost certificates how renewed. 6. President and managers to meet for the transaction of business at such times and places as shall be agreed on. Five members of the board a quorum, with power to determine the form and scite of the bridge to appoint agents, workmen, &c. draw orders on the treasurer for monies expended, &c. 7. Penalty for neglecting to pay instalments. 8. President and managers to keep fair accounts of receipts and expenditures and submit them annually to the stockholders. Shares may be increased if necessary. 9. Property in the bridge when completed with an arch at least one hundred and fifty feet over the main channel and at least twenty one feet wide in the clear, vested in the company. Rates of toll. Rates to be posted up in some conspicuous place near the end of the bridge. No toll demanded from persons going to or returning from places of public worship on Sabbath days or attending funerals, nor from children going to or returning from school. Company may contract with any person desirous of using the bridge for an annual sum in lieu of toll.]

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge, than what are herein limited, or shall neglect to keep the same in good repair, or keep lists of their established rates of tolls placed near the ends of said bridge, on ten days notice given by or from any justice of the peace in the county of Wayne, they so offending, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered as debts of the same amount are by law recoverable, one moiety thereof to go for the use of the poor of the township in which the offence may be committed, and the other moiety for the use of the person who shall sue for the same, but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Penalty on
demanding
illegal toll.

SECT. 11. [President and managers to keep accounts of tolls received and monies expended and make dividends of the clear profits on the first Mondays of April and October in each year. 12. Abstract of accounts to be laid before the legislature every five years. Provision for increasing and reducing tolls in certain events. 13. Bridge to be commenced in two and completed in five years after a law similar to this has been obtained from the legislature of New York. Company not to issue bank notes or transact business in the nature of banking.]

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously pull down, break or destroy, with intent to injure or deface any part or parts of said bridge, or any toll-house, gates, bars or other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or the person employed in conducting the business

Penalty on
injuring
bridge, toll-
house, &c.

1816. *Or de fac ng list of rates of toll.* thereof, or shall wilfully deface or destroy the letters, figures or other characters in any written or printed list of the rates of toll affixed in any place or places for the information of passengers and others, or shall wilfully or maliciously obstruct or impede the passage over the said bridge or any part or parts thereof, he, she or they so offending, shall, each and every of them, forfeit and pay for every such offence, any sum not exceeding fifty dollars, to the said corporation, to be recovered on conviction before any justice of the peace as debts of like amount are recoverable, and the offence shall remain actionable for damages, or indictable as if there had been no forfeiture: *Provided, always,* That all and every such action or state prosecution, shall be commenced within thirty days after the offence shall have been committed.

Proviso.

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 531.

CHAPTER 4233.

An act authorising Joseph Budd and Joshua Budd to build a toll bridge across the Youghiogeny river, in Westmoreland county, and for extending the time for building a bridge over the river Juniata at Millerstown, in Cumberland county.

SECT. 1. [SITE of the bridge to be at or near their ferry, where the great road from Somerset to Washington crosses the same. Property vested in them, their heirs, &c. Rates of toll. None to be demanded or taken from persons attending funerals, divine worship, militia, persons going to and returning from school, or general or township elections. The bridge not to be erected on private property, or so as to injure the navigation or the passage over the ford. 2. Accounts to be triannually exhibited to the Q. S. and if it appears that the profits exceed 15 per cent. tolls to be reduced so that the profits shall not exceed 15 per cent. if less than 8, the Q. S. may order toll to be raised so that the same shall not exceed 8 per cent. 3. Work to be commenced in two years, and completed in two. 4. As to declaring it free, and mode of compelling repairs, to be on the same footing as the bridge across the Youghiogeny at Connelville, (vol. 3, p. 436.) 5. Commissioners named by the act (ch. 3990,) authorised to receive subscriptions as fully as if the books had been opened agreeably to that act.]

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 540.

CHAPTER 4234.

An act to authorise the governor to appoint commissioners to lay out a road from the west end of Brighton bridge to the state line, in a direction to Poland in the state of Ohio.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be, and he is hereby authorised to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a road to commence at the west end of Brighton bridge, in the

Route of the road.

county of Beaver, thence to Mount Jackson, and thence to intersect the state line in a direction to the Poland Centre road, in the first range of townships in the state of Ohio: And the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and they shall deposit a copy of a draft of the said road in the office of the clerk of Quarter Sessions in each county through which the said road shall pass, and the said clerks respectively shall enter the same on the records of the county, which shall be a record of the said road, and from thenceforth shall be to all intents and purposes a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the courts in each county.

1816.

Draft to be deposited with clerk of sessions.

SECT. 2. [Allowance of two dollars per day, to the commissioners, to be paid by the counties through which the road passes. To be sworn, &c.]

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 542.

CHAPTER 4235.

A further supplement to an act, entitled "An act for the prevention of vice and immorality and of unlawful gaming, and restraining disorderly sports and dissipation." [Vol. 3, p. 177, see also vol. 2, p. 595, in notes.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons shall, hereafter, set up or expose to be played at, for money or other valuable thing, any E O table, farro bank, or any other game or device, with cards or dice, or any other game of address or hazard, in any way or manner whatever, every such person or persons so offending, upon conviction thereof in the Court of Quarter Sessions of the county wherein the offence is committed, shall be sentenced to imprisonment in the jail of said county, for any term not exceeding one year, and shall pay a fine to the commonwealth not exceeding five hundred dollars, at the discretion of the court.

Gaming.

See vol. 3, p. 181.

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 543.

NOTE.—By act (vol. 3, p. 181.) The same offence when committed by any tavern keeper, &c. retailer of wine, spirituous liquors, beer or cyder, whether such person have a licence or keep a tippling house, is punished by a forfeiture of the table, &c. and a fine of 26 dollars, on conviction before a magistrate or in a court of Q. S. or Oyer and Terminer. See (ch. 4063,) for a reference to the laws respecting taverns, &c. For acts on the subject of lotteries, (vol. 1, p. 246, vol. 3, p. 60, vol. 5, p. 267.)

CHAPTER 4236.

An act to incorporate the city of Pittsburg.

[Sup. ch. 4367.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That

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|------------------------------|--|
| 1816. | the inhabitants of the borough of Pittsburg, in the county of Allegheny, as the same extends and is incorporated between the rivers |
| Vol. 4 p. 144. | Allegheny and Monongahela and also to the middle of each of the |
| Boundaries. | said rivers, and as far down the river Ohio, to such point in the same, at which two lines, one running down the middle of each of the said two first mentioned rivers, shall intersect, which is hereby added to and incorporated with the original boundaries of said borough, are hereby constituted a corporation and body politic, by the |
| Style. | name and style of "The Mayor, Aldermen and Citizens of Pittsburg," and by the same name shall have perpetual succession and they and their successors, by such name, shall, at all times for ever, |
| Powers. | be able and capable, in law, to have, purchase, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, to them and their successors for ever, or for any other or less estate, and the same lands, tenements, hereditaments, goods, chattels and effects, by such name, to grant, bargain, sell, alien, convey, mortgage, pledge, charge and encumber, or demise and dispose of at their will and pleasure, and by the said name shall be able and capable, in law, to sue or be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, in all manner of suits, actions, complaints, pleas, causes, matters and things that to the said city, as a body politic and corporate, in law and in fact, shall and may appertain, and for that purpose shall have and use one common seal, and the same from time to time may change, alter, deface and make a new. |
| Capacity to sue and be sued. | |
| To have a seal. | |
| Qualification of electors. | SECT. 2. <i>And be it further enacted by the authority aforesaid,</i> That the freemen of the city of Pittsburg, citizens of this state or of the United States, who have resided within the bounds of the said city at least one year immediately preceding the election, and within that time paid a borough or city tax, shall meet together on the first Tuesday in July next, and on the first Tuesday of January yearly thereafter, and elect, by ballot, fifteen persons, qualified to serve as members of the house of representatives of this commonwealth,* |
| Time of election. | to be members of the common council for the said city for the year in which they shall be elected, and also at the first election, nine persons qualified to serve as senators of this commonwealth, to be members of the select council of the said city,† who shall forthwith, |
| What officers to be chosen. | |
| Qualifications. | |

* At the same time to elect four persons for each ward, and return them to the Q. S. who to appoint two of them constables, for each ward, (ch. 4550)

† Pittsburg was first erected into a borough on the 22d April, 1794, (vol. 3, ch. 1760.) This act was repealed and supplied March 5, 1804, (vol. 4, p. 144.) See also supplement of 7th March, 1805, (ib. p. 221) Under these acts it hath been adjudged, that an alien, resident one year preceding an election for borough officers who has within that time paid a borough tax, was entitled to vote at such election. By the first act the *freholders* and others, *inhabitants*, *housekeepers*, were to elect burgesses, &c. Citizenship is not a qualification either of the *electors* or *elected*. By the act of 1804, which repealed that of 1794, *freeholders*, *housekeepers* and others, *inhabitants* of the borough, paying taxes as above, were to elect. By both acts, the qualification of citizenship is required for the *elected* only, not of the *electors*. Neither the words of the acts, nor the principles of the common law, exclude the vote of the alien. It has been the policy of Pennsylvania, both under the proprietary government, and the commonwealth to hold out encouragement to aliens unknown to the principles of the common law. The opinion of the Supreme Court in this case,

after their election, divide themselves by lot into three classes, the seats of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one-third may be chosen every year after such first election : and the first election to be held under this act, shall be held and conducted by the burgess and town council of the borough of Pittsburg, and all future elections of select and common council men, to be had and held in pursuance of this act, shall be held and conducted by the recorder and aldermen of the said city, or any four of them ; and the said persons hereby authorised to hold and conduct any such election, shall take the usual oaths or affirmations as prescribed by the general election laws of this commonwealth, to be taken by the judges and inspectors of the general elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths to such clerks : And when each election, to be had and held in pursuance of this act, shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the persons herein authorised to hold and conduct such elections, or a majority of them, shall prepare and make, under their respective hands and seals, a return thereof, containing the names of each select and common council man elect, as the case may be, with the number of votes in favour of each of them, and shall, within twenty-four hours after the closing of each of the said elections, give notice, in writing, to each of the said select and common council men elect, of their respective elections to the office of select or common council man, as the case may be, and shall also deliver, or cause to be delivered, such return to the select council or to the common council elect, as the case may be, at the times and places in and by this act appointed for them respectively to meet and receive the same, and the said returns shall thereafter be deposited and preserved in the office of the clerk of the city court.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said select and common council men elect, shall meet at such place in the said city, as the said councils, each for its own body, may after the first election agree upon, and afterwards at such place as by any ordinance duly passed, may be fixed for that purpose,

1816.

Rotation in office of select councilmen.

Election to be conducted by recorder and alderman, as general elections.

Returns.

Notice to members elect.

Council men to receive and examine returns.

was founded solely on the expressions in the acts of assembly, in which the qualifications of the *electors* and *elected* are different. The act of 1805, (vol. 4, p. 221,) by which the inhabitants of *Pittsburg*, "who have resided six months, and who shall in other respects, be entitled to vote for members of assembly," are entitled to vote, does not repeal the former act or impair the right previously vested. It is an affirmative statute extending the elective franchise, to those not embraced by the act of 1804. By that act none could vote who had not paid a borough tax within a year of the election. It is probable the act of 1805, was passed in consequence of an ordinance of the borough, by which taxes were to be levied on real estate only. This excluded many persons, willing to pay taxes. It is reasonable to suppose that to afford relief to them, and not to take away the right to vote from those who enjoyed it previously, that the act of 1805 was passed. 2 Bin. 110.

Although the acts under which this decision has been made, have been repealed and supplied by the act in the text, the importance of the principle involved, especially to other corporations, will, it is presumed, justify a reference to the above case.

It has also been decided, that by the charter of the German church, in Philadelphia, aliens otherwise qualified are entitled. 3 Serg. and Rawle, 29.

1816.

Majority to
judge.May order
new electionsCouncil men
to be sworn,
&c.Power to
make by-laws
&c.To have power
of the late
borough, (vol
4, p 144, 225)
and of the
corporation
of Philad. (vol
2, p. 463.)

between the hours of ten and twelve of the clock in the forenoon, on the Friday next following each and every election of select and common council men, to be held in pursuance of this act, and shall then and there receive the returns aforesaid, and shall forthwith proceed to examine the same, and to judge and determine thereon, and for that purpose, and to the end and intent that this act or the provisions herein contained, may not be ineffectual, the said select or common council men elect, as the case may be, who shall be elected and returned as aforesaid, or a majority of them, who shall be a quorum for all business, shall be judges of their own elections, and shall have full power and authority to approve thereof, or to set aside the same, or afterwards to vacate the seat of any member for misbehaviour, neglect of duty or other misdemeanor, and to order new elections, as the law may require, to be held at such times as shall be by such council respectively appointed, of which they shall give at least six days previous notice in one or more of the public newspapers printed in the said city, which election shall be held by the persons herein authorised to hold and conduct the annual elections of said city, who are hereby enjoined to do and perform the duties herein required of them at such special or occasional election, and to make return of such election in manner as aforesaid, and so in like manner as often as occasion may require, upon the death or resignation of a member or members of either of the said councils.

SECT. 4. *And be it further enacted by the authority aforesaid,* That each and every select and common council man, who shall be elected, chosen and returned in manner aforesaid and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation, before the president or one of the judges of the Court of Common Pleas of the county of Allegheny, or before the mayor or recorder of the said city for the time being, "well and faithfully to execute the office of a select council man or of a common council man (as the case may be) of said city," and shall, thereupon, without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same until the term of office therein shall expire, as directed in and by this act.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the power of the said corporation of the said city shall be vested in the said select and common councils who shall, in common councils assembled, have full power and authority to make, ordain, constitute and establish such and so many laws, ordinances, regulations and constitutions (provided the same shall not be repugnant to the laws and constitution of the United States or of this commonwealth) as shall be necessary or convenient for the government and welfare of the said city, and the same to enforce, put in use and execution, by constables and other proper officers (whom they shall have power to appoint,) and at their pleasure to revoke, alter and make anew, as occasion may require, and shall have, hold and enjoy, in addition to the powers now vested in the borough of Pittsburg, which are hereby transferred to and vested in the said councils, all the powers and authorities now vested by law in the select and common councils of the city of Philadelphia.

1816.

SECT. 6. *And be it further enacted by the authority aforesaid,* That in order that a knowledge of the said laws, ordinances, regulations and constitutions may at all times be had and obtained, and the publications thereof at all times be known and ascertained, such and so many of them as shall not be published in one or more of the public newspapers published in said city within fifteen days from and after their being severally passed, ordained and established, and also recorded in the office of recorder of deeds in and for the county of Allegheny, (who shall keep a separate book for that purpose, and shall be allowed and paid for recording thereof at the same rate as is allowed by law for recording deeds,) within thirty days from and after their being so as aforesaid passed, ordained and established, shall be null and void, and before any of the said laws, ordinances, regulations and constitutions shall be so as aforesaid recorded, the publications thereof respectively, with the times thereof, shall be proved by the oath or solemn affirmation of some credible person, which said oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publication.

Ordinances to be published.

Recorded.

Publication to be proved.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the doors of the respective halls of the said select and common councils shall be open, for the admission of all peaceable and orderly persons, who shall be desirous of being present at the discussion of any by-laws, ordinances, rules or regulations for the welfare and good government of the said city.

Door of councils to be open.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the governor shall appoint one recorder and twelve aldermen for the said city, who shall hold their offices during good behaviour, and shall severally and respectively have all the jurisdictions, powers and authorities of justices of the peace, and justices of Oyer and Terminer and jail delivery, of and for the said city, and shall act therein accordingly, jointly or severally, as fully and amply as any justice or justices of the peace or of Oyer and Terminer or jail delivery of or for any county within this commonwealth, may or can do in and for such county;* and the justices of the peace at present commissioned in and for the borough of Pittsburg, shall be aldermen of the said city, and the governor shall appoint such number of aldermen, in addition to the said justices, as shall complete the number herein directed and limited, and in case of vacancy, by death, resignation, removal from the said city or otherwise, of any of the said aldermen, fill up and supply such vacancy as soon as may be; and the said recorder and aldermen and every of them before he enters on the duties of his said office, in pursuance of this act, shall take a solemn oath or affirmation, before the president or one of the associate judges of the Common Pleas of Allegheny county, or before the mayor of the said city for the time being

Governor to appoint recorder and aldermen.

Powers.

See sect. 25, and ch. 4367.

Vacancies.

To be under oath.

* The recorder to receive an annual salary of 600 dollars. To have power to issue writs of *habeas corpus* in cases of insolvent debtors and criminal cases originating in the city, and to give relief, &c. as fully as the president of the C. P. can do by virtue of the act vol. 2, p. 275, ch. 4367. For a general reference of the laws and judicial decisions on this writ, see ch. 4367.

The mayor, recorder and aldermen to have power to take acknowledgment of deeds, &c. sect. 22. See also (ch. 3892.)

1816.

“well and faithfully to execute and perform the office of recorder (or alderman, as the case may be) of the said city.”

Electors of
mayor.

His duties.

Oath.

Const. Penn.
Art. 8.

Vacancy.

Mayor, &c.
removable
from office.
Vol. 4, p. 107

Jurisdiction
of Mayor's
Court.

and powers
of said court.

SECT. 9 *And be it further enacted by the authority aforesaid,* That the members of the select and common councils shall, on the second Tuesday in July next, and on the second Tuesday in January yearly thereafter, meet together and elect *viva voce* one of the said aldermen as mayor of the said city, whose duty (besides that of an alderman of the said city) shall be to preside in the mayor's court, when present to promulgate the by-laws, rules and ordinances of the corporation, and specially to attend to the due execution and fulfilment of the same, and who shall be entitled to receive, hold and enjoy all the emoluments which by the laws and ordinances of the corporation may hereafter be annexed and attached to the office of mayor; and the mayor elect shall take a solemn oath or affirmation, before the president or associate judge of the Court of Common Pleas of Allegheny county, or the recorder of the said city for the time being, “well and faithfully to execute the office of mayor of said city,” and shall, thereupon, enter upon and perform the duties of said office without any further or other commission, and shall continue in office until a successor shall be duly elected and qualified, and in case of the death, resignation or removal of the mayor or other vacancy in the said office, such vacancy shall be filled by a new election for the remainder of his term in office, by the said councils, within ten days thereafter, and at least five days notice shall be given in the public newspapers of the city, of the time of holding the same.

SECT. 10. *and be it further enacted by the authority aforesaid,* That each and every mayor, recorder and alderman of the said city, who shall misdemean himself in office, shall be liable to be removed from office in the same manner that justices of the peace are by the constitution and laws of this commonwealth removable for misconduct in office, by the general assembly.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said mayor, recorder and aldermen, or any four or more of them whereof the mayor or recorder for the time being shall be one) shall have full power and authority, and they are hereby vested with full power and authority to enquire of, hear, try and determine, agreeably to the laws and constitution of this commonwealth, all forgeries, perjuries, larcenies, assaults and batteries, riots, routs, and unlawful assemblies, and all other offences which have been committed or shall be committed within the said city, which would be cognisable in any county Court of Quarter Sessions of the Peace or for any county within this commonwealth, had the same offences, or any of them, been committed within any such county, and to punish all persons who shall be convicted of the same offences, or any of them, agreeably to the laws of this commonwealth, and also to enquire of, hear, try and determine all offences which shall be committed within the said city against any of the laws, ordinances, regulations or constitutions that shall be made, ordained and established in pursuance of this act, and to punish the offender and offenders, as by the said laws, ordinances, regulations or constitutions shall be prescribed or directed, also to impose fines on jurymen and

others, according to law, and levy the same, and to award process, take recognizances for keeping the peace, for being of good behaviour, and for appearance or otherwise, or to commit to prison, as occasion shall lawfully require, without being accountable to the commonwealth for any fines or amercements to be imposed for the said offences, or any of them, except such as are or shall be by law made payable into the state treasury for offences against this commonwealth, and generally to do all matters and things within the said city, as any Court of Quarter Sessions of the Peace, Over and Terminer and jail delivery of and for any county within this commonwealth may or can do within any such county, and to the ends and intents, and for the purposes aforesaid, and for such other ends, intents and purposes as are in and by this act declared or mentioned, the said mayor, recorder and aldermen, or any four of them, (whereof the mayor or recorder for the time being shall be one) shall have full power and authority, and they are hereby vested with full power and authority to hold and keep a court of record within the said city four times in each year, by the name, style and title of "The Mayor's Court for the City of Pittsburg," for the enquiring, hearing, trying and determining of the pleas and matters aforesaid, and for the punishing of those who shall be found guilty thereof, and for the causing all encroachments in the streets of said city, and all nuisances to be removed, and for the punishing offenders as the law in such cases requires, and for the doing and performing all such other matters and things as are in and by this act made cognizable by them or any of them.*

To be a court of record.

Style

SECT. 12. *And be it further enacted by the authority aforesaid,* That if any person or persons shall find him, her or themselves aggrieved by any judgment of the said court of record, it shall and may be lawful for the party or parties so aggrieved to sue out and obtain his, her or their writs of error, which shall be granted in like manner and under the same regulations and restrictions as other writs of error in similar cases are or may be granted and made returnable, in the western district of the Supreme Court of this commonwealth, and shall be proceeded in under the same rules and regulations: *Provided always,* That when any writ of error shall be granted, on any judgment to be given in the said court of record, the said mayor, recorder and aldermen, or their successors, shall not be compelled thereby, or by any other writ or writs to them directed, to remove, send or certify into the Supreme Court or elsewhere, any of the indictments or presentments, but only the tenors or transcripts thereof, and of the records touching and concerning the same, and of the proceedings thereon, under their common seal: and after such judgments shall be reversed or affirmed, it shall and may be lawful for the said mayor, recorder and aldermen, and their successors, to proceed to execution or otherwise, as shall, according to law, appertain.†

Writ of error to S. Court.

Vol 1, p. 138, 3, p. 30, see also 4 Bin. 424.

* To have power to issue process on forfeited recognizances and to prosecute the same to judgment, (ch. 4367.) Fines and recognizances appropriated to county purposes, (ch. 4600.)

† A writ of error to the Mayor's Court of the city of Philadelphia, which is declared by act (vol. 2, p. 468,) grantable of *course*, &c. as other writs of error are, must

1816.

SECT. 13. And, to the end and intent that such persons, indicted and outlawed for felonies and other offences, supposed by such indictments or outlawries to have been committed within the said city, as shall dwell, remove, lurk or be received without the bounds and limits of the said city, may be brought to justice.

Be it further enacted by the authority aforesaid, That the mayor or recorder of the said city for the time being, shall and may, as often as occasion may require, issue his writ or writs of *capias* to the sheriff or sheriffs or other officer of any county or counties, city or town corporate within this commonwealth, directed, commanding him or them to take and bring the body or bodies of any such person or persons as shall be so as aforesaid, indicted or outlawed before him, the said mayor or recorder, or either of them, to be dealt with according to law; and every sheriff and other officer to whom any such writ or writs of *capias* shall be directed and delivered, is hereby enjoined and required to use due diligence to execute the same, under such pains and penalties as are by law incurred by any sheriff or other officer, for refusing or neglecting to obey and execute any *capias* or other process to him directed and delivered.

SECT. 14. And, to the further end and intent, that there may not be a failure of justice within the said city, by reason of any person or persons who may be charged with having committed any offence or offences, therein lurking or being in secret or other places in the neighborhood thereof.

Be it further enacted by the authority aforesaid, That it shall be lawful for any constable or constables of the said city, to whom any warrant, under the hand and seal of the said mayor, recorder or aldermen, or any of them, shall be delivered, commanding him or them to take any person or persons who shall have been charged with having committed any offence within the said city, and to bring him her or them before the said mayor, recorder or aldermen, or any of them; and he and they are hereby enjoined and required to execute the same, by making of the arrest, if the same can be done, at any place within the county of Allegheny, and also by bringing such offender or offenders before the said mayor, recorder and aldermen, or some of them.

SECT. 15. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said mayor, recorder and aldermen, before whom any complaint, indictment, plea, matter or thing of a criminal or civil nature within his or their jurisdiction, shall be made or depending, to issue their *subpoena*, in common form, to any person or persons within this commonwealth, commanding him or them to appear and give evidence therein, and every person to whom the same shall be directed, and on whom service thereof shall be duly made, shall attend accordingly and give evidence, under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence when duly subpoenaed for that purpose.

have the consent of the attorney general or a judge of the Supreme Court, (vol. 3, p. 50,) 4 Bin 424. See ch. 4197, and notes thereto.

Costs accruing on criminal cases in the Mayor's Court of Pittsburg and for which if in the Q. S. the county would be liable to be paid by the county, (ch. 4367.)

SECT. 16. *And be it further enacted by the authority aforesaid,* 1816.

That the sheriff of Allegheny county, for the time being, is hereby enjoined and required to execute all the lawful process of the said court, and to carry into effect the sentences and judgments of the said court in all such cases, as he is bound to do under any order, process, sentence or judgments of the county Court of Quarter Sessions, and to take and receive into his custody, the body or bodies of any and all such persons, who may be so committed to him, and to keep them in safe custody in the jail of the said county, until lawfully discharged therefrom, and to receive and keep in safe custody in the jail of the said county, until legally discharged therefrom, any person or persons who may be committed by virtue of lawful process from the mayor, recorder or any alderman or aldermen of the said city, in the same manner and under the same penalties as if he, she or they had been committed by the court of quarter sessions or any judge thereof; and all neglect of duty or wilful misbehaviour in the said sheriff or the jailer of the said jail, towards such prisoners, or any of them, shall be and the same is hereby made cognizable and punishable in the mayor's court of the said city, in the same manner and under the same penalties as the same offences would be punishable in the Court of Quarter Sessions within its jurisdictions.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the sheriff and commissioners of the county of Allegheny, shall provide one wheel for jurors for the trial of causes in the said city, and the like proceedings shall be had by the aforesaid officers in the selecting, depositing, drawing and summoning and returning jurors, as is provided for the county courts, and the jurors shall be compensated out of the county stock; but the selection of said jurors for the court, shall be made from the citizens residing within the bounds of the said city.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the mayor and aldermen of the said city, for the time being, shall have the same jurisdiction, in all civil cases, as justices of the peace of the county have, and shall proceed therein in like manner, for the like fees and costs, and with the like powers and authorities, and under and subject to the like rules, regulations and restrictions, and to the like relief for insolvent debtors, and to the like means, process and execution as in cases of debt or other demand, or in case of damage, trespass and trover, before any justice of the peace within the commonwealth, with the like appeal, by the party aggrieved, to the Court of Common Pleas of the county of Allegheny.*

SECT. 19. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of and for the county of Allegheny, shall not, in any matter or thing have any further or other powers or jurisdictions within the said city, than the said mayor's court may or can have in the said county and without the bounds and limits of the said city.

SECT. 20. *And be it further enacted by the authority aforesaid,*

* The aldermen of the city, and justices of the peace of the county, to have power to perform all the duties of justices of the peace in civil cases throughout the county, and within the city. (Ch. 4367.)

1816.

Governor to
appoint clerk
of mayors
court.

That the governor shall appoint a clerk for the mayor's court of the said city, who shall receive the like fees and emoluments as the clerk of the Court of Quarter Sessions of the county of Allegheny is entitled to receive for similar services, and who shall give the like security, do and perform the like services within the city, and shall account to the commonwealth for the surplus fees, in as full and ample a manner as the said clerk of the Court of Quarter Sessions is bound by law to do.

Salary of re-
corder, ch.
4367.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the recorder of the said city shall be entitled to receive, hold and enjoy such salary and emoluments as by the laws and ordinances of the corporation may hereafter be annexed and attached to the office of recorder of said city.

Mayor, &c.
have power
to take ac-
knowledg-
ments, &c. of
deeds.
See p. 144.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the mayor, recorder and aldermen, or any of them, shall and may take and receive the acknowledgment and probate of all deeds and written instruments, and receive the legal fees therefore, of which acknowledgments and probates, shall be as valid, and have the like force and effect as if the same were acknowledged before a judge of the Supreme Court, or any judge of the Court of Common Pleas within this commonwealth.

Of brokers.

SECT. 23. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the select and common councils in common council assembled, from time to time, to permit and license such and so many brokers within the said city, and under such rules and regulations as they may think proper, and to prohibit all other persons from using and exercising the business of broker therein, under such pains and penalties as shall, from time to time, be ordained and established.

Council may
vest in the
mayor power
to appoint
officers.

SECT. 24. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the select and common councils, when duly assembled, from time to time, by any ordinance duly enacted, to vest in the mayor of said city for the time being, the appointment of such officers within the said city as they may think expedient for the well-ordering and governing the same, and to remove the same from such offices or appointments for misbehaviour or otherwise as may be necessary; all which officers shall take an oath or affirmation, before the said mayor, recorder or alderman, well and faithfully to perform the duties of the offices or appointments to them respectively committed; and the said councils may require security to be given by such officers, or any of them, and prescribe the sum and the form in which such security shall be given, and the said officers and their sureties may be sued and recovery had against them in the city court, for breach of official duty; and for the recovery of fines, forfeitures, penalties, debts and other demands, cognizable in the city court, the ordinary forms of law shall be pursued in the process, judgment and several kinds of execution, as if the same were made cognizable and recoverable in the courts of the county*; and all officers and jurors of the said city shall be competent to hear, try

See Cons.
Pann. Art. 8.

* The Mayor's Court to have authority to issue process, &c. on forfeited recognizances, (ch. 4367.)

and determine all matters and things within their jurisdiction, and all citizens to give testimony, notwithstanding any fine or penalty be made payable for the use of the said city.

1816.

SECT. 25. *And be it further enacted by the authority aforesaid,* That no alderman of the said city, nor any person holding an office of trust or profit under the laws of this commonwealth, or the ordinances of the select and common councils, the emoluments whereof is paid out of the treasury of the said city, shall be competent to serve as a member of the select or common councils.* Incompatibility.

SECT. 26. *And be it further enacted by the authority aforesaid,* That all the property and estate whatsoever, real and personal, of the borough of Pittsburg, are hereby severally and respectively vested in the corporation or body politic of the city of Pittsburg and their successors, in and by this act established, by the name, style and title aforesaid, to and for the use and benefit of the said citizens for ever; and until the corporation of the said city shall be duly organized under this act, the present charter of the borough of Pittsburg shall continue in full force and operation, and all officers under the same shall be appointed and hold their offices as they now may or can do by law; and as soon as this act shall go into operation, all suits, prosecutions, debts and claims whatever, shall, by force thereof, become transferred to the said city, and be under the management and control thereof as fully and completely as if no alteration had been made in the said charter. Property vested in the corporation.
Transfer of suits.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the said select and common councils shall, once in every year, cause to be published a just and true account of all the monies which shall have accrued to them in their corporate capacity during the year preceding such publication, and also of the disposition thereof, and shall also lay a copy thereof before the general assembly. Accounts to be published.

SECT. 28. *And be it further enacted by the authority aforesaid,* That as often as any doubts shall arise touching this act, the same shall, in all courts of law and equity and elsewhere, be construed and taken most favorably for the said corporation: *And provided also,* That this act and the powers and authorities herein vested in the said city, shall not be impaired, affected, defeated or destroyed by any neglect or omission to appoint all or any of its officers, at the time or times allotted for the same, and in case of any such defect or omission, the recorder and aldermen of the said city, or a majority of them, shall forthwith take all necessary measures to cure and supply such defects and omissions, giving due notice thereof in the public newspapers of the said city. Act to be construed favorably to the corporation.
Proviso.

Passed 18th March 1816.—Recorded in Law Book No. XV. p. 544.

NOTE.—Act authorising the appointment of an auctioneer for the borough, previously to the incorporation of the city, (ch. 4982.) Additional for the city to be appointed, (ch. 4830.)

Act assenting to the purchase by the U. S. of a piece of land near Pittsburg, (ch. 4242.) Commissioners of Allegheny to sell the jail and lot of ground in Pittsburg, (ch. 4351.)

Supplement to the act in the text extending the power of the Mayors Court to recovery of forfeited recognizances, and the jurisdiction of Aldermen and Justices in civil cases, throughout the county and in the city, directing the payment of costs in criminal cases in the Mayors Court, by the county, fixing the recorders' salary at 600, and giving him power to issue writs of *habeas corpus* in

*No Sheriff shall at the same time hold the office of justice of the peace or alderman, ch. 4367, sect. 6.

1816.

cases of insolvent debtors, and criminal cases, originating in the city, (ch. 4367.)

Act for the inspection of salted fish, extended to this city, (ch. 4512.)

Manufacturing association incorporated. (ch. 4839.)

Act to provide for the erection of a State

Penitentiary near Pittsburg, (ch. 4527, sup. ch. 4654, 4869, 5022. See the last act for a general reference to all the laws on this subject.

Number of taxables by the state census of 1821, 1393.

CHAPTER 4237.

An act authorising the governor to incorporate four companies for making an artificial road from the town of Washington in this state, to intersect the Harrisburg and Pittsburg turnpike road, at or near the town of Bedford.

SECT. 1. [ROAD, to be made from the town of Washington by way of Williamsport, Robbstown, Mount Pleasant, Somerset, and the White horse tavern on the top of the Allegheny mountain, to intersect the Harrisburg and Pittsburg, turnpike at or near the town of Bedford. Four companies to be incorporated. One to make so much of the road as lies between Washington and the Monongahela at Williamsport to be called "The Washington and Williamsport Turnpike Road Company." One from the Monongahela to Mount Pleasant to be called "The Robbstown and Mount Pleasant Turnpike Road Company." One from Mount Pleasant to town of Somerset, to be called, "The Somerset and Mount Pleasant Turnpike Road Company," and the other from Somerset to intersect the Harrisburg and Pittsburg turnpike to be called "The Somerset and Bedford Turnpike Road Company." 2. Commissioners appointed to receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of the times and places of opening books. Books to be closed when 1500 shares have been subscribed to the stock of each company. Commissioners may adjourn and transfer the books, on giving notice. Five dollars a share to be paid on subscribing. 3. When 800 shares of the stock of the first company have been subscribed by 40 persons the commissioners to certify it to the governor, who to issue letters patent creating the subscribers a body corporate by the name of "The President Managers and Company of the Washington and Williamsport Turnpike Road." Usual corporate powers granted. 4. Thirty days notice to be given of the time and place of organizing the company. A president, twelve managers and treasurer to be chosen by ballot. Company may make by-laws, &c. not contrary to the constitution or laws of the U. S. or of this commonwealth. No person to have more than fifteen votes. 5. Stockholders to meet annually on the first Monday in May to elect officers, &c. 6. Certificates of stock to be issued, and be transferable. 7. President and managers to meet as directed by the by-laws. Seven members of the board a quorum. To keep minutes, appoint surveyors, engineers, workmen, &c. fix their salaries, &c. determine the times of paying instalments, &c. and draw orders on the treasurer, &c. Draughts not to exceed the sums deposited by the company, and to be signed by the president, or in his absence by a majority of a quorum. 8. Notice to be given of the payment of instalments. Penalty for neglecting to pay them. No stockholder in arrears allowed to vote. 9. Company and their agents, &c. may enter upon lands, &c.

through which the road will pass, to examine the ground. May enter with their agents, &c. upon the lands adjacent, first giving notice to the owners, and afterwards doing as little injury as possible and making amends for it, the amount whereof if the parties cannot agree, shall be assessed by three freeholders appointed by a justice of the peace of the county, and upon tender of such value, may carry away such sand, gravel, and other materials. Owners of land suffering damage by the road passing through their lands may within one year apply to the Court of Quarter Sessions which shall appoint three freeholders who shall assess, determine, and under oath or affirmation report the amount of injury so sustained, making full allowance for the advantages likely to be derived from the road. 11. Road to be laid out not more than sixty, nor less than fifty feet wide, with at least twenty one feet width of artificial road, except over the Allegheny mountain, Laurel hill, and Chestnut ridge, where it shall be at least thirty feet wide, with at least twenty feet width of artificial road. Artificial road to be made firm and compact and faced with stone or gravel, &c. Not to vary more than five degrees from a horizontal line in any part. Permanent bridges to be erected over all streams crossed except the Youghiogeny and Monongahela rivers. 12. As soon as five miles are completed and for every five miles afterwards notice to be given to the governor who shall appoint viewers and upon their reporting favourably of the execution and workmanship shall grant a licence to erect gates and receive tolls. No toll to be demanded from any person passing from one part of his farm to another, or to or from any place of public worship on Sunday, or funerals, or from any officer or private of militia going to or returning from any training, or from any person going to or returning from any election, or from any person going to or returning from school. 13. May appoint toll gatherers, &c. Rates of toll.] And if any person or persons shall represent to the said company, or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of their toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, any sum not exceeding eight dollars; and if any toll-gatherer shall demand and receive greater or other toll from any person or persons, than such toll-gatherer is authorised to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the highways of the township in which the forfeiture is incurred, for the repair of the roads of the said township, and for the payment of which the said company shall be responsible: *Provided always*, That it shall and may be lawful for the said company, by their by-laws, to regulate the burthen on carriages to be drawn along the said road, in such manner as shall be found, from experience, to be most conducive to the public convenience and the advantage of said company.

Penalty on attempting to defraud company.

Penalty on demanding illegal toll.

Proviso.

SECT. 14. *And be it further enacted by the authority aforesaid*, That if the said company shall neglect to keep the said road and bridges in good and perfect order and repair, for the space of five

Penalty on neglecting to

1816. days, and information shall be given thereof to any justice of the peace of the neighbourhood within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in the precept to be mentioned, at the place in such road as shall have been complained of, of which meetings notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of said persons, enquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and if upon such enquiry the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall cause an inquisition thereof to be made, under his hand and at least two of the said persons, one copy whereof he shall certify and send to each of the keepers of the turnpike or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid, and if the same shall not be put into good and perfect order and repair before the next Court of Quarter Sessions of the Peace, to be held for the county in which the defect is proved to be, the said justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, who shall, thereupon, cause process to issue to bring in the body or bodies of the person or persons entrusted by the said company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in the case of supervisors of the highways for neglect of their duty; and if he or they shall be convicted of the offence charged in the said inquisition, the said court shall give such judgment, according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceed one hundred dollars, and the fines so imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the highways and public roads therein.

Proviso.
Limiting fine.

Penalty on attempting to defraud by passing thro' private gates.

SECT. 15 *And be it further enacted by the authority aforesaid,* That if any person or persons whosoever, owning, riding in or driving any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any sheep, hogs or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the said company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off, or cause to be taken off,

any horse, mare or gelding, or other cattle, from any sulky, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burthen or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every such person or persons, in all and every or any of the ways or manners aforesaid offending, shall for every such offence respectively, forfeit and pay to the president, managers and company of the said turnpike road, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace in like manner and subject to the same rules and regulations as debts of a similar amount may now or hereafter be sued for and recovered.

SECT. 16. [Regular accounts to be kept by president and managers of receipts and expenditures and submitted annually to the stockholders. Shares may be increased if necessary. 17. Just accounts to be kept of tolls received, &c. and dividends of clear profits declared on the first Mondays of May and November in every year. 18. Abstract of accounts to be laid before the legislature every year. Provision for increasing tolls, &c. in a certain case. 19. Index hands to be erected at the intersection of each public road.]

SECT. 20. *And be it further enacted by the authority aforesaid,* That the said company shall cause mile-stones to be placed on the side of the said road, and also cause to be affixed at each gate, a printed list of the rates of toll which may lawfully be demanded, for the information of travellers and others using the said road; and if any person or persons shall wilfully destroy the said posts, boards, index-hands or mile-stones as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the said road, or within the limits thereof, and shall suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person or persons, being convicted thereof by the evidence of one or more credible disinterested witness or witnesses, before any justice of the peace of that county in which the offence shall have been committed, he, she or they shall be adjudged by the said justice to pay a fine not exceeding five dollars, to be recovered, with costs, as debts of equal amount are, or may be by law recoverable, which fine, when recovered, shall be paid by the said justice to the treasurer of the said company for the use of the company.

Mile-stones.

Penalty on defacing mile-stones, and for nuisances thrown in the road.

SECT. 21. *And be it further enacted by the authority aforesaid,* That all waggons and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass, and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be so obstructed in his passage, and will sue for the same, to be recovered, with costs, before any justice, in the same manner as debts of equal amount are or may be by law recoverable.

Direction to waggons.

SECT. 22. [Work to be begun in five and finished in ten years. 23. "The Robbstown and Mount Pleasant," "The Mount Plea-

1816. *sant and Somerset," and "The Somerset and Bedford," turnpike company incorporated on the same terms mentioned in the first section of this act, to be incorporated in the same manner, with the same powers and under the same restrictions, as fully as if the several sections were repeated and re-enacted as to them.]*

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 557.

NOTE.—The governor authorised to 10,000 to Robbstown and Mount Pleasant, and the same to the Washington and Bedford turnpike company. Same and Williamsport, (ch. 4985,) sect. 25. to the Mount Pleasant and Somerset,

CHAPTER 4238.

[Ch. 3994] A supplement to an act, entitled "An act establishing a fee bill."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* in all cases where any sheriff or constable, upon any execution to him delivered to be executed, shall not sell either real or personal estate for, or recover and receive the whole amount of the debt and interest mentioned in any such execution, he shall be allowed to receive, take or retain commissions or poundage on the amount of the sum by him actually recovered or received, and no more; any construction heretofore given to the act to which this is a supplement, to the contrary notwithstanding.

Sheriff and constables allowed poundage only on sums actually received.

Passed 18th March, 1816.—Recorded in Law Book No. XV. p. 571.

NOTE.—See ch. 3994 and 4954 and notes thereto.

CHAPTER 4289.

An act to declare certain creeks within this commonwealth public highways.

SECT. 1. *Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, Loyalsock creek, in the county of Lycoming, from the mouth thereof up the same to Rogers' factory on said creek; the east branch of Fishing creek, commonly called Huntingdon creek, from the junction of said creek with Pine creek, in the county of Columbia, to the North mountain in the county of Luzerne; Mahoosany creek, from its mouth to the forks of the north and south branches thereof; Crooked creek, in the county of Armstrong, from its mouth to Jacob Frantz's mill; Tamaqua, commonly called Little Schuylkill, from its confluence with Big Schuylkill to David Longaire's saw-mill; Nescopeck creek, in the counties of Columbia and Luzerne, from its mouth to mount Yorger; Oil creek, commonly called Mill creek, in the county of Crawford, from its mouth to the southern boundary of a tract of land belonging to Charles Plumb, in the counties of Craw-

Loyalsock

Huntingdon.


Mahoosany.

Crooked

Little Schuylkill. Nescopeck.

Oil creek.

Tomhicken.

ford and Warren ; Tomhicken creek, a branch of Catawissa creek, 1816.
 from its mouth to the line of a tract of land patented to Jeremiah 
 Warder, Jeremiah Parker and Richard Parker, called Turn Hick ;
 and Pemmapecha, commonly called Pennepack, in the county of Pennepack.
 Philadelphia, from its mouth to David Lewis' saw-mill race, be,
 and the same are severally and respectively declared public high-
 ways for the passage of rafts, boats, arks and other vessels, under Limitation.
 the following restrictions and limitations, and it shall and may be
 lawful for the inhabitants desirous of using the navigation of said
 creeks, to remove all natural and artificial obstructions from the bed
 or channel of the said creeks, or any of them, excepting dams for
 mills and other water works, and to erect such slopes or locks, and
 to keep the same in repair, at the mill dams now built, as may be
 necessary for the passage of rafts, boats, arks and other vessels ;
Provided such slopes or locks be so constructed as not to injure said
 dams : *And provided also*, That any person or persons owning or
 possessing lands on said creeks, or on any of them, may construct or
 erect any dam or dams across the same, agreeably and subject to all
 the restrictions and provisions of an act entitled " An act to autho-
 rise any person or persons owning lands adjoining navigable streams
 of water declared public highways, to erect dams upon such streams,
 for mills and other water works," passed the twenty-third of March,
 one thousand eight hundred and three. Vol. 4, p 20.

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 572.

CHAPTER 4240.

An act to authorise the governor to incorporate a company for erecting a bridge
 over the river Susquehannah at the town of Danville.

SECT. 1. [COMMISSIONERS named to receive subscrip-
 tions. Form. Price of shares 25 dollars. Notice to be given of
 the times and places of opening books. Commissioners may ad-
 journ, giving notice. Books to be closed when 2000 shares sub-
 scribed. Five dollars a share to be paid on subscribing. 2. When
 1000 shares subscribed by fifty persons, Commissioners to certify it
 to the Governor, who to incorporate the subscribers by the name
 of " The President, Managers and Company, for erecting a
 bridge over the river Susquehannah, at the town of Danville,"
 usual corporate powers given. 3. Thirty days notice to be given of
 the time and place of organizing the company. A president, six
 managers, and a treasurer, to be chosen by ballot. Company to
 have the same powers and privileges, and be subject to the same res-
 trictions, &c. as are prescribed for the company to erect a bridge
 over the Susquehanna, at the falls of Nescopeck. (Vol. 4, p. 412.)]

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 573.

1816.

CHAPTER 4241.

An act directing the formation of a Map of Pennsylvania.

[Sup ch.
5014]Duties of se-
cretary and
surveyor gen.Scale of map.
&c.Expense of
county maps
not to exceed
200 dollars.Secretary &
surveyor ge-
neral to con-
tract, &c.Surety re-
quired.Surveyor ge-
neral's duty,

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the secretary of the commonwealth and surveyor general, be, and they are hereby authorised and required, immediately after the passing of this act, to contract with the deputy surveyors respectively, or with any other suitable person or persons, on such terms as said officers may deem just and reasonable, and can be agreed upon by the parties, for the formation of a Map of each of the counties within this commonwealth; which maps shall be on a scale of two miles and an half to an inch, and shall exhibit the boundary lines of the county and of each township, the courses of the rivers and other principal streams, the position of the mountains, the lakes, and mineral and salt springs, the cities, towns, villages and remarkable buildings, the roads, noting particularly such as are turnpiked, and the distances, in miles, between the principal towns and remarkable places, and that the maps so formed shall be sent, as soon as convenient, to the office of the surveyor general: *Provided,* That the expense of procuring the said maps shall not exceed two hundred dollars for each county, unless the information required as aforesaid cannot be had in any of the public offices of the state or of the proper county, in which case the said secretary of the commonwealth and surveyor general are hereby authorised to cause such information to be obtained by actual survey, or otherwise, as they may deem most expedient, and at any expense not exceeding in the whole six hundred dollars for any one county.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said secretary of the commonwealth and surveyor general, on the receipt of the said county maps, or as soon as they may deem expedient, shall contract for the publication of a Map of Pennsylvania, with some suitable person, who shall, previously to receiving any of the materials therefor, enter into bond to the governor, for the use of the commonwealth, with two sufficient sureties to be approved of by him, conditioned for the faithful performance of all the services required of him by this act, that he shall faithfully account for all sums of money advanced to him by the commonwealth, and also of those which shall become due to the same out of the proceeds of the sale of the said map, and for the delivery of the copper-plates and all the printed maps to the surveyor general for the time being, whenever the same shall be required by the officers aforesaid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That as soon as the said county maps shall have been furnished to the surveyor general, it shall be his duty, after carefully examining and correcting the same, to cause copies thereof to be made for the use of his office, for which purpose he is hereby authorised to employ such additional clerk or clerks as he may deem necessary, and transmit the originals to the said publisher, who shall therefrom make a connected map of this commonwealth, on a scale of five miles to an inch, marking thereon so many of the particulars specified in the

first section of this act, as the secretary of the commonwealth and surveyor general may believe useful, and shall cause the same to be engraved on copper in a handsome and workmanlike manner, and shall cause such a number to be printed as the said secretary and surveyor general may deem proper, whereof one hundred, duly coloured, mounted and finished, shall be delivered by the said publisher to the surveyor general for the use of the commonwealth, and the remaining copies, together with all further copies that may be prepared, shall be sold by the said publisher on account of the commonwealth, unless the legislature shall otherwise direct.


SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the surveyor general to mark on some copy of the said state map, all such further information relative to the particulars mentioned in the first section of this act, as from time to time shall be reported to him by the said deputy surveyors or other persons, and he shall furnish to each of the deputy surveyors of this commonwealth, a copy of the said map, which shall form part of his official papers, to be delivered to his successor, and it shall be the duty of the said deputy surveyors to report to the surveyor general all alterations or additions with regard to the several particulars above mentioned, which may from time to time take place within their respective counties.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said publisher, under the direction and controul of the secretary of the commonwealth and surveyor general, to make the necessary contracts and arrangements for engraving, printing and publishing the map, and shall, for his services in drawing or causing to be drawn the said map, in purchasing the requisite materials, superintending the engraving and printing of the map, and for all other services which he may render with regard to the construction and publication thereof, any sum which the secretary of the commonwealth and surveyor general may deem just and reasonable, not exceeding in the whole one thousand five hundred dollars, and he shall also receive a reasonable compensation, to be fixed upon as aforesaid, for mounting, colouring such and finishing maps as may be wanted for the use of the state, not exceeding three dollars and fifty cents per map, and shall render an account, on oath or affirmation, to the auditor general, of the amount of all his disbursements on account of the map, as well as receipts of money from the sales thereof, at the end of every six months from the first publication, and shall be allowed, on the amount of the sales, a commission not exceeding thirty three and one-third per centum, and be responsible to the commonwealth for the remainder of said amount.*

SECT. 6. *And be it further enacted by the authority aforesaid,* That for the purpose of purchasing materials and paying the necessary expences of the publication, there shall be advanced to the said

Advance.

* The secretary and surveyor general authorised to draw their warrant in favour of the engraver for 1500 dollars, the sum allowed the publisher for superintending the work. Bond to be given with surety for the speedy completion of the work. Publisher to receive credit for amount of monies to be advanced to the engravers, (ch. 5014.)

1816.  publisher any sum which the secretary of the commonwealth and surveyor general may deem reasonable, not exceeding four thousand dollars, for the faithful application of which he shall from time to time render an account to the auditor general as aforesaid.

Accounts. SECT. 7. *And be it further enacted by the authority aforesaid,* That the accounts of all the deputy surveyors, and of the publisher, and of all other persons employed by virtue of the provisions of this act, shall, after being approved of by the accountant department, be paid by the state treasurer.

New editions SECT. 8. *And be it further enacted by the authority aforesaid,* That the secretary of the commonwealth and surveyor general for the time being, shall have power to contract with the publisher of the said state map, or other person or persons, from time to time, for new editions of the map aforesaid, on such term as they may deem just and reasonable, and may be agreed on by the parties: *Provided*, the same shall be made upon similar principles as those contained in this act.

County maps SECT. 9. *And be it further enacted by the authority aforesaid,* That the secretary of the commonwealth and surveyor general shall be empowered to authorise the publisher of the state map to publish the county maps, or any number of them separately: *Provided* the same shall be done without any expense to the state.

Surveyor general authorised to demand official papers. SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the surveyor general, or any deputy surveyor duly commissioned or appointed, and they are hereby required to demand, receive and recover from any person whomsoever, in whose possession they may be found, any records, drafts, field notes or other papers, made, filed or kept by any former deputy surveyor, or which of right appertained to his office, in the same manner as the like documents may or can be recovered under the act entitled "An act to enable persons appointed to offices of public trust, to recover official documents appurtenant to the said offices, from persons detaining the same," passed the third day of Vol. 4, p. 192 April, one thousand eight hundred and four, from the persons therein mentioned.

Passed 19th March, 1816—Recorded in Law Book No. XV. p. 576.

NOTE.—The treasurer authorised to pay John Melish in addition such a sum as will amount to 600 dollars for each of the counties of Philadelphia, Delaware, Montgomery and Chester in full for collecting materials and constructing maps, 400 of which to be paid to James Hindman of Chester, and the remainder to the engraver of the map, (ch. 5014.)

By a resolution of the 13th March 1815 it was directed, That in order to make the necessary preparations toward forming a new and correct map of this state, the secretary of the commonwealth for the time being, be, and he hereby is authorised and required, so soon as the same can be done, without interfering too much with his other duties, to procure from the clerks of the sessions and deputy

surveyors, or others, within the several counties of this state, copies of all the necessary plots or maps and courses and distances of roads, rivers and creeks, together with their names which may be in their possession, to collect information of the situation and extent of the mountains and valleys, of the towns and villages, mills, furnaces, forges, glass works, factories, churches, academies, and whatever else may deserve notice; to contract with the said officers or other fit person or persons, if it can be done, at a more reasonable rate than fees to said officers are paid, for said copies, or for the performance of any extra labor which may be necessary, either in the several counties or at the seat of government, in connecting maps or plots of roads, rivers,

creaks or mountains, so as to cause materials to be furnished, which may form correct data upon which the map of the state may be made, and to give the legislature, when he may think the same useful, information of the progress made,

and the expense of the work, that money may be appropriated for payment, and further measures taken for the employment of a suitable scientific artist for the completion of said map.

1816.

CHAPTER 4242.

An act assenting to a purchase made by the United States of a piece of land near Pittsburg.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the consent of the legislature of the commonwealth of Pennsylvania is hereby granted to a purchase, which the United States have lately made from William B. Forster, of a certain tract of land situate on the Allegheny river, about two miles above Pittsburg, bounded as follows, viz. Beginning at a post on the bank of said river, and running thence by land of William B. Forster, south forty-five degrees, east one hundred and forty-three perches to a post; thence by land of John Ewalt, south forty-two degrees, west thirty-five perches and one-quarter to a post; thence by land of the said William B. Forster, north forty-five degrees, west one hundred and twenty-eight perches and an half to a post on the bank of the Allegheny river, and thence up the said river, by the several courses thereof, north nineteen degrees, east thirty-nine perches to the place of beginning, containing thirty acres, strict measure, for a site for a military station and establishment for the ordinance department: *Provided*, That nothing herein contained shall extend, or be construed to extend so as to impede or prevent the execution of any process civil or criminal under the authority of this state.

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 579.

CHAPTER 4244.

An act for the relief of certain widows and children of those who died whilst in the service of this state during the late war with Great Britain.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That the widow, child or children of any officer, non-commissioned officer, musician or private militia-man or volunteer, who died whilst in the service of this state in the late war with Great Britain, shall be entitled to similar relief, and under the same regulations and restrictions as were provided by the act, entitled "An act to provide for the more effectual relief of the widows and children of the officers and privates of the militia who have lost their lives in the service of their country," passed the twenty-seventh day March, one thousand seven hundred and ninety.

Passed 19th March, 1816 —Recorded in Law Book No. XV. p. 581.

NOTE.—See ch. 3658.

1816.

CHAPTER 4245.

An act relating to the sale of a tract of land by the sheriff of Greene county to William T. Hays, in trust for the use of the commonwealth.

Ch. 2708.

WHEREAS, in pursuance of an act of assembly, entitled, "An act to extinguish the lien of the commonwealth on certain specific parts of the estate of the late John Nicholson, in favor of Thomas Ryerson," passed the twenty-eighth day of March, one thousand eight hundred and six, a mortgage was executed by the said Thomas Ryerson on a certain tract of land, situate in the county of Greene, containing four hundred acres and allowance, to secure the payment of five hundred dollars to the commonwealth, agreeably to the provisions of the said act: And whereas, in default of such payment by the said Thomas Ryerson, the said tract of land was, by due course of law, exposed to sale by the sheriff of the county of Greene, and purchased by William T. Hays, prothonotary of the Court of Common Pleas of the said county, for the sum of two hundred and fifty dollars, in trust for the use of the commonwealth, but no provision being made by law, for securing the title in trust as aforesaid: Therefore,

Sheriff authorized to acknowledge deed.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the sheriff of the county of Greene, for the time being, be, and he is hereby authorised and required to make and acknowledge a deed of conveyance to William T. Hays, prothonotary of the Court of Common Pleas of said county of Greene, and to his successors in office, in trust for the use of the commonwealth, for a certain tract of land, with the appurtenances, situate on Ten Mile creek in the said county of Greene, containing four hundred acres and allowance, be the same more or less, sold as the property of Thomas Ryerson.

To hold the land for the use of the commonwealth.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said William T. Hays, prothonotary as aforesaid, and his successors in office respectively, shall have full power and authority to take possession of the said tract of land, with the appurtenances, for the use of the commonwealth, or if the same is withheld, to issue, or cause to be issued, legal process for the recovery thereof, and to prosecute the same to a final determination, and if possession thereof shall be obtained, to lease out the premises on such terms as he may think proper, and to collect and annually transmit the rents and profits thereof to the state treasurer: *Provided,* That the terms of such leases shall not extend beyond the first day of April next succeeding their respective dates.

Power to sell.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said William T. Hays, prothonotary as aforesaid, and his successors in office respectively, shall have full power and authority to contract for the sale of the said tract of land, with the appurtenances, with any person or persons, and on the terms of the contract being approved of by the accountant department, to convey the estate of the commonwealth therein to the purchaser or purchasers.

SECT. 4. *And be it further enacted by the authority aforesaid,*

That the expenses necessarily incurred, and the accounts for services rendered in carrying this act into effect, shall be adjusted and settled in the usual manner by the accountant department, and be paid by the state treasurer. 1816. Accounts, how settled and paid.

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 582.

CHAPTER 4247.

A supplement to an act, entitled "An act to incorporate an academy or public school in the town of Waterford, and for other purposes." [Vol 5, p. 262.]

SECT. 1. [THE secretary of the land office authorised to issue a patent to the trustees for eight lots in the town of Waterford, marked in the general plot B. on both sides High street, on which U. S. buildings were erected.]

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 586.

NOTE.—Authorised to sell 500 acres of vested in some productive fund, (ch. land, surveyed, &c. in pursuance of the 4823) act, vol. 3, p. 381. The proceeds to be

CHAPTER 4248.

An act vesting in the superintendant of police of the district of Southwark, and the superintendant of police of the incorporated district of the Northern Liberties, with powers similar to those granted at present by law to the constables of said districts

SECT. 1. [VESTED with like powers and to be entitled to all the privileges, emoluments and fees, to which constables of the districts are entitled.]

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 587.

NOTE.—The district of Southwark was incorporated 18th April, 1794, (vol 3, p. 130.) See also vol. 1, p. 248, vol. 2, p. 435, and ch. 3742. sioners required to collect, &c. as county rates are collected, same as to Moyamensing, (ch. 4855.)

All real estate subject to the payment of debts contracted by the commissioners of Southwark, by reason of work, &c. in curbing or paving, and the commissioners required to collect, &c. as county rates are collected, same as to Moyamensing, (ch. 4855.) See ch. 3765, for a reference to the laws respecting certain streets in Southwark. For the duties of constables generally, (ch. 4893.)

CHAPTER 4249.

An act establishing an academy in the borough of Huntingdon, in the county of Huntingdon, and one in the town of Montrose, in the county of Susquehanna.

SECT. 1. [ESTABLISHED in Huntingdon, to be called "The Huntingdon Academy." and one in Montrose, to be called "The Susquehanna Academy." 2. Trustees named and incorporated by the styles of "The Trustees of the Huntingdon Academy," and "The Trustees of the Susquehanna Academy." Usual corporate privileges granted. Yearly value of corporate property not to exceed five thousand dollars each. 3. May each have a common seal. 4. Trustees of each to meet on the first Monday of May, an-

1816. *annually. May make by-laws; appoint teachers, &c.* 5. Election of trustees to take place annually on the first Monday in April. None but subscribers to the funds allowed to vote. Corporations not to be dissolved for failure in holding elections. 6. Records to be kept of their by-laws, &c. No misnomer to vacate any grant to the corporations, provided the intention be clear. 7. 2000 dollars granted to the Huntingdon Academy. How to be appropriated. Not to be paid until 1000 dollars are raised by private subscription. Poor children, not exceeding five, to be taught gratis. 8. Same grant under the same restrictions to the Susquehanna Academy. 9. Books and accounts of the trustees to be exhibited annually to the auditors of the proper academy. Penalty of twenty dollars for neglecting so to do.]

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 587.

CHAPTER 4250.

[Vol. 5, p.
206.]

An act further to extend for a limited time, the act entitled, "An act providing for the settlement of certain disputed titles to land north and west of the rivers Ohio and Allegheny and Conewango creek, and for other purposes"

Part revived

SECT. 1. *BE it enacted by the senate and house of representatives, of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* such parts of the act passed the twentieth day of March, one thousand eight hundred and eleven, entitled "An act providing for the settlement of certain disputed titles to land north and west of the rivers Ohio and Allegheny and Conewango creek," as have expired, are hereby revived and re-enacted, and all agreements heretofore made, or which hereafter shall be made within two years from the first day of April next, in conformity to the provisions therein contained, for any of the said lands lying north and west of the rivers Ohio and Allegheny and Conewango creek, including the unsold depreciation surveys, shall be as valid as if the same had been made within the time specified in said act.

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 591.

NOTE.—See ch. 4795 and notes thereto.

CHAPTER 4251.

[Vol. 5, p.
198.]

An act to continue and revive the act, entitled "An act to encourage the warranting and patenting of lands north and west of the rivers Ohio and Allegheny and Conewango creek," and for other purposes.

Act continued.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* all the provisions of the act entitled "An act to encourage the warranting and patenting of lands north and west of the rivers Ohio and Allegheny and Conewango creek," passed the first day of March, one thousand eight hundred and eleven, shall be and the same are

hereby re-enacted and continued until the first day of November, in 1816.
the year of our Lord one thousand eight hundred and seventeen.

SECT. 2. *And be it further enacted by the authority aforesaid,* Provision in favor of mortgagors.
That any person or persons who have received a patent or patents on mortgage, for any lands lying north and west of the rivers Ohio and Allegheny and Conewango creek, under the law of the first day of March, one thousand eight hundred and eleven, entitled "An act to encourage the warranting and patenting of lands north and west of the rivers Ohio and Allegheny and Conewango creek," and that any person or persons who shall hereafter receive their patents under the said law, shall only be required to pay interest on the principal due on such mortgage, or upon such lands from the expiration of five years after the date of the first improvement made on the land therein described.

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 592.

NOTE.—See ch. 4795 and notes thereto.

CHAPTER 4252.

An act relative to the incorporation of a company for erecting a bridge over the river Delaware at Columbia glass manufactory.

SECT. 1. [COMMISSIONERS appointed to act in conjunction with those named by the Legislature of New Jersey, to perform the duties prescribed by the third section of an act of that state, passed the 30th January, 1816. 2. Subscribers to have the same power, and when incorporated the same privileges, and be under the same restrictions as are given and prescribed by that act, except that the duties required to be performed by the judges of the Supreme Court, shall be discharged as far as relates to this state, by the Court of Common Pleas of Northampton county. 3. Act of New Jersey, to be published with the laws of this state. Governor to cause a certified copy of this act to be transmitted to the governor of New Jersey.]

Passed 19th March, 1816.—Recorded in Law Book No. XV. p. 592.

STATE OF NEW JERSEY.

An act to authorise the governor to incorporate a company for erecting a bridge over the river Delaware at Columbia glass manufactory.

SECT. 1. [COMMISSIONERS appointed to procure books and receive subscriptions. Form of subscription. Price of shares fifty dollars. Notice to be given of the time and place of opening books. Commissioners may adjourn from time to time on giving notice. Books to be closed when 700 shares are subscribed. Five dollars a share to be paid on subscribing. 2. When 300 shares have been subscribed by fifty or more persons, commissioners may certify it to the governor who shall incorporate the subscribers by the name of "The President, Managers and Company for erecting a bridge over the river Delaware at the Columbia glass manufactory"]

1816.

with the usual corporate privileges. 3. Commissioners appointed to determine in conjunction with those from Pennsylvania upon the site of the bridge. 4. Proceedings to organize the company. A president, six managers and treasurer to be chosen by ballot. No person to have more than ten votes. 5. Officers to be elected annually on the last Monday in April. 6. Certificates of stock to be issued and be transferable. 7. Five members of the board a quorum. To keep minutes, appoint agents and workmen, &c. and draw orders on the treasurer, &c. 8. Notice of the time of paying instalments. Penalty for neglecting to do so. 9. Company may agree for the purchase of the ground upon which the bridge is to be erected. If they cannot agree with the owners, may apply to the Supreme Courts who shall appoint three freeholders to view and report under oath or affirmation the amount of damage which will be occasioned by erecting the bridge, &c. on such ground. Report to be accompanied by a map of the premises and filed in the office of the clerk. Compensation of arbitrators. 10. May enter on lands, &c. and take away materials, &c. first giving notice to the owners and paying damages. How these damages are to be ascertained if the parties cannot agree upon them. 11. President and managers to keep just accounts of receipts and expenditures and submit them annually to the stockholders. Shares may be increased if necessary. 12. When a bridge is completed it shall be vested in the company for ninety nine years. Rates of toll. Bridge not to injure the navigation, nor prevent persons from fording the river. 13. Two oxen to be estimated as equal to one horse.]

XIV. *And be it enacted*, That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks belonging to or part of the said bridge or breakers, or shall remove any piece or pieces of timber or plank or planks from off, or any stone or stones or other materials belonging to said bridge or breakers, or otherwise voluntarily damage the same, he, she or they so offending shall forfeit and pay for every such offence, over and above the damages done to the said bridge or breakers, the sum of thirty dollars, to be recovered in the same manner as debts under one hundred dollars are recovered with costs of suit.

XV. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge than what are before herein prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending shall, for every such offence, forfeit and pay the sum of thirty dollars, one moiety thereof for the use of the poor, and the other moiety for the use of the person who may sue for the same : *Provided always*, That no suit or action shall be brought, unless within thirty-days after such offence shall be committed.

SECT. 16. [President and managers to keep just accounts of tolls received and declare dividends of the clear profits on the first Mondays of April and October annually. 17. This act not to take effect until confirmed by the legislature of Pennsylvania. Work to be commenced in three and completed in seven years. 18. Stock

of the company to be considered as personal estate. Company not to be concerned in banking.] 1816.

Passed 5th February, 1816.

CHAPTER 4253.

An act establishing certain election districts.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That the electors of the township of Fishing creek, in the county of Columbia, shall hold their general elections at the house now occupied by Daniel Pealor, in said township.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the electors of Sugar-loaf township, in the county of Columbia, shall hold their general elections at the house now occupied by Ezekiel Cole, in said township.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the electors of Greenwood township in the county of Columbia, shall hold their general elections at the house now occupied by Jonathan Hartly, in said township.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the electors of the sixth election district, in the county of Montgomery, shall hold their general elections at the house now occupied by Michael Colp, at the corner of High and Hanover streets in the borough of Potstown.


SECT. 5. *And be it further enacted by the authority aforesaid,* That those parts of the townships of Smithfield and Wells, in the county of Bradford, lying east of a line to run south from the seventy-second mile-stone on the south* line of the state to the southern line of Smithfield township, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Elias Needham, junior, in Smithfield township.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the township of Springfield, in the county of Bradford, shall be a separate election district, to be called Springfield district, and the electors thereof shall hold their general elections at the house lately occupied by Noah Murry, in said township.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the township of Columbia, and that part of the township of Wells, in the county of Bradford, lying west of a line running south from the seventy-second mile-stone on the state line, shall be a separate election district, to be called Columbia, and the electors thereof shall hold their general elections at the house now occupied by Sarah Morgan, in the township of Columbia.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the electors residing within those parts of Warwick and Cocalico townships, in the county of Lancaster, that have been annexed to Elizabeth township, shall hold their general elections at the place

* This should be "north" see pamphlet edition.

1816.  where the electors of Elizabeth township now hold their general elections.
- Centre. SECT. 9. *And be it further enacted by the authority aforesaid,* That the township of Boggs, in Centre county, shall be a separate election district, and the electors thereof shall hold their general elections at the school-house in the town of Milesborough in said township.
- Cumberland. SECT. 10. *And be it further enacted by the authority aforesaid,* That the electors residing in that part of Allen township, in the county of Cumberland, who formerly elected at Lisburn, shall hold their general elections at the house now occupied by Jacob Ghear, in said township.
- Berks. SECT. 11. *And be it further enacted by the authority aforesaid,* That the township of Rockland, in the county of Berks, be, and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house of Andrew Shiffert, in said township.
- Union. SECT. 12. *And be it further enacted by the authority aforesaid,* That the electors residing within the bounds of the fifth election district in the county of Union shall hold their general elections at the court-house in the town of New-Berlin.
- Bucks. SECT. 13. *And be it further enacted by the authority aforesaid,* That the township of Hilltown, in the county of Bucks, shall be a separate election district, and the electors thereof shall hereafter hold their general elections at the house of John Hockman, in said township.
- Beaver. SECT. 14. *And be it further enacted by the authority aforesaid,* That the electors residing within the township of Chippaway, in the county of Beaver, shall hold their general elections at the house of Samuel Cunningham, in said township.
- Erie. SECT. 15. *And be it further enacted by the authority aforesaid,* That the electors residing within the eighth election district in the county of Erie, shall hold their general elections at the school-house in the village of Gibsonville, in said district.
- Crawford. SECT. 16. *And be it further enacted by the authority aforesaid,* That the electors residing in the township of Fallowfield, in the county of Crawford, except that part which have heretofore elected in Fairfield township, shall hold their general elections at the house now occupied by Alexander Clark, in said township.
- Crawford. SECT. 17. *And be it further enacted by the authority aforesaid,* That the electors residing within the township of Shenango in the county of Crawford, shall hold their general elections at the house now occupied by Hugh M'Gill, in said township.
- Crawford. SECT. 18. *And be it further enacted by the authority aforesaid,* That the electors residing within the townships of Beaver and Cussawago, in the county of Crawford, shall hold their general elections at the house of James Fetterman, in Cussawago township.
- Lebanon. SECT. 19. *And be it further enacted by the authority aforesaid,* That the electors residing within the township of Londonderry, in the county of Lebanon, shall hold their general elections at the house of John Wolfersberger, junior, in Campbellstown, in said township.
- SECT. 20. *And be it further enacted by the authority aforesaid,*

That the township of Jackson, in the county of Tioga shall be a separate election district, and the electors thereof shall hold their general elections at the house of David Nichols, in said township. Tioga.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the township of Covington, in the county of Tioga, shall be a separate election district, and the electors thereof shall hold their general elections at the house of Samuel Higley, in said township. Tioga.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the township of Sullivan, in the county of Tioga, shall be a separate election district, and the electors thereof shall hold their general elections at the house of John Gray, in said township. Tioga.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the electors residing within the following described parts of Penns and Mahantongo townships, in the county of Union, beginning at the Susquehanna river at the mouth of Kremer's saw-mill run, thence up said run to the farm of George Gambys, thence a straight course to include Henry Ramstine's house, thence a straight course to a gap in the Shade mountain near Christopher Moyer's and Henry German's land, to intersect Centre township line, thence along said line to Middle creek, thence down Middle creek to the Susquehanna river, thence down said river to the place of beginning shall hold their general elections at the house now occupied by Frederick Moyer, in the town of Freeburg in Penns township. Union.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the electors residing within the eastern part of Greenwood township, Cumberland county, to be divided as follows, beginning in the narrows of Berris mountain, thence westwardly along the summit of said mountain six miles, thence northerly by a line parallel with the river Susquehanna to the line of Cumberland county, thence eastwardly along the said line to said river, thence down said river to the place of beginning, shall hold their general elections at the house of Henry Raymon. Cumberland.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the township of Chillisquaque, in the county of Northumberland, be, and the same is hereby attached to the eighth election district, and the electors thereof shall hold their general elections in the town of Milton. Northumberland.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the township of Finley, in Washington county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Edward Carrol, in said township. Washington.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the electors residing within the township of Tunkhannock, in Luzerne county, shall hold their general elections at the house of Charles Otis, in said township. Luzerne.

SECT. 28. *And be it further enacted by the authority aforesaid,* That the electors residing within the township of Gibson, in the county of Susquehanna, shall hold their general elections at the house of James Bennet, in said township. Susquehanna.

SECT. 29. *And be it further enacted by the authority aforesaid,* That the electors residing within the township of Indiana, in Allegany county, shall hold their general elections at the house of James Bennet, in said township. Allegany.

1816. henry county, shall hold their general elections at the house of David Stewart, in said township.

Westmore-
land.

SECT. 30. *And be it further enacted by the authority aforesaid,* That the electors of Hempfield township, residing on the north of the road from Jacob Painter's mill on Sewickly creek, thence along said road eastward to said township line, shall hold their general elections in the borough of Greensburg, in Westmoreland county.

Berks.

SECT. 31. *And be it further enacted by the authority aforesaid,* That the electors residing within that part of Amity township, in the county of Berks, that has been annexed to Keely's district, shall hold their general elections at the White-Horse tavern, in said Amity township.

Beaver.

SECT. 32. *And be it further enacted by the authority aforesaid,* That the electors of the township of Brighton, in the county of Beaver, shall hereafter hold their general elections at the house now occupied by Robert Wilson, in said township.

Mifflin.

SECT. 33. *And be it further enacted by the authority aforesaid,* That the township of Turbutt, in the county of Mifflin, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Morrison, in said township.

Mifflin.

SECT. 34. *And be it further enacted by the authority aforesaid,* That the electors of Fermanaugh township, in Mifflin county shall hold their general elections in the school-room of the Presbyterian meeting house in Mifflintown, in said township.

Berks.

SECT. 35. *And be it further enacted by the authority aforesaid,* That the township of Pike, in the county of Berks, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by George Oyster in said township.

Schuylkill.

SECT. 36. *And be it further enacted by the authority aforesaid,* That the electors of the borough of Orwigsburg, the townships of Brunswick, Manheim and that part of Schuylkill township, in Schuylkill county, which lies west of the following described lines, beginning at the line between the townships of Brunswick and Schuylkill, where the road leading from M'Keansburg to Valley furnace crosses the said township lines, thence along said road to the top of Tuscarora mountain, thence in a direct line to the place where Zachariah's run empties into the river Schuylkill, thence in a direct line to where the Catawissa road crosses the line between the counties of Columbia and Schuylkill, shall hold their general elections at the court-house in the borough of Orwigsburg.

Butler.

SECT. 37. *And be it further enacted by the authority aforesaid,* That the electors residing within the townships of Parker and Venango, in the county of Butler, shall hold their general elections at the house of James Conly, in Parker township.

Westmore-
land.

SECT. 38. *And be it further enacted, by the authority aforesaid,* That the electors residing within Donegal township, in the county of Westmoreland, shall hold their general elections at the house of Robert Campbell, in the town of Mansville, in the said township of Donegal.

An act making appropriation to defray certain expences of government therein mentioned.

SECT. 1. [OBSOLETE.]

SECT. 2. *And be it further enacted by the authority aforesaid,* That six hundred dollars be, and is hereby appropriated for the payment of an additional clerk in the office of the state treasurer, if the business of the office shall at any time require it, which clerk shall be paid quarterly in the usual manner. State treasurer \$600 additional, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That a sum not exceeding six hundred dollars be, and the same is hereby appropriated to enable the secretary of the commonwealth to employ a competent person, under his direction, to enter of record the original charter of the province to William Penn, the original agreements between the lord Baltimore and the late proprietaries of the province, the unrecorded deeds for the lands and territories purchased of the Indians, now remaining in the said secretary's office, and in the office of the secretary of the land office, and such other public papers as the said secretary of the commonwealth may deem necessary to preserve from decay and loss; and the said secretary is hereby enjoined to have such charters, agreements, deeds and papers to be faithfully entered of record, which records shall be kept in his office; and the said secretary shall transmit to the respective houses, at their next session, a list of all the charters, deeds and papers so recorded, with an account of the expense incurred therein. Sec'y commonwealth, \$600 to record certain papers. Report to the legislature.

Passed 19th March, 1816.—Recorded in Law Book No. XVI. p. 4.

NOTE.—Agreeably to the directions of this act the secretary of the commonwealth placed on record the following original documents with various Indian deeds many of which are referred to in notes, (vol. 1, p. 109.) Minutes of the H. R. Session 1816—17, p. 86.

Charter from Charles 2d to William Penn, dated 4th March, 1682, and 33d year of the reign of Charles 2d.

Deed, from the Duke of York to William Penn, dated August 20th, 1682, and 34th year of the reign of Charles 2d.

Certain conditions and concessions by William Penn to adventurers and purchasers in the province, dated July 11th, 1681.

Charter of privileges granted by William Penn to the inhabitants of Pennsylvania and territories, dated 28th October 1701.

Charter, by William Penn to city of Philadelphia, 25th October, 1701, and 13th year of king William 3d.

Charter, William Penn to borough of Chester, 30th October, 1701.

Charter of borough of Bristol, 14th Nov 1720.—George 1st.

Charter of borough Lancaster, 1st December, 1760—George 2d.

Deed Thomas Dongan, Governor of New York, to William Penn. 13th January, 1696, and 8th year of the reign of William 3d.

Deed, Thomas Dongan, Governor of New York, to William Penn, 13th January 1696—8th year of William 3d.

Deed, Charles Fell to William Penn, 3d, January. 1733, and 7th year of George 2d—accompanied with certificate of the lord mayor of London

Deed, from George Washington, president of the United States to the commonwealth, for the tract of land commonly called the Triangle, on Lake Erie, March, 3d, 1792.

CHAPTER 4261.

1816.

[Vol. 5, p.
41.]

A supplement to the act, entitled "An act to authorise the governor of this commonwealth to incorporate a company for the purpose of making and erecting a bridge and road over the north east branch of the river Susquehanna, in the county of Northumberland, from the public highway opposite the plantation of Thomas Grant to Shamokin island, through the public highway of Shamokin island to the shore opposite Northumberland, and from thence to the town of Northumberland."

SECT. 1. [THE company authorised, after the 1st of May next, to increase the toll on such particular items as they may think proper, so that the clear income will not exceed 8 per cent.

Passed 19th March, 1816.—Recorded in Law Book No. XVI. p. 10.

CHAPTER 4264.

An act to authorise the governor to incorporate a company to erect a bridge over the river Schuylkill, at or near Hamburg, in the county of Berks.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 25 dollars. Notice to be given of the time and place of opening books. Books to be closed when 400 shares subscribed. Five dollars a share to be paid on subscribing. 2. When 200 shares is subscribed by twenty persons, commissioners may certify it to the governor, who shall issue his letters patent, creating the subscribers a body corporate, by the name of "The President Managers and Company of the Schuylkill bridge at Hamburg." Usual privileges granted. 3. Proceedings to organize the company. A president, six managers and treasurer to be chosen by ballot. Company may make by-laws, &c. No person to have more than ten votes. 4. Meeting for electing officers to be held on the third Monday in April, annually. 5. Certificates of stock to be issued and be transferable. 6. President and managers to meet to transact business as shall be agreed on. Five members a quorum. Shall keep minutes of their proceedings. May appoint agents, workmen, &c. fix their salaries and regulate the payment of instalments. 7. Thirty days notice to be given of the time of paying instalments. Penalty for neglecting to pay them when required. 8. Accounts to be kept and exhibited annually to the stockholders. Shares may be increased if found necessary. 9. Bridge to be at least twenty-one feet wide in the clear, with an arch of at least one hundred feet in the clear over the main channel of the river. Property in it when completed to be vested in the company. Rates of toll. No toll to be taken from any person attending funerals, or walking in military procession, nor from persons belonging to the militia, in going to or returning from muster on days of training, or going to or returning from public worship on Sabbath, or children going to or returning from school. Company may contract with any person desirous of using the bridge for an annual sum in lieu of toll.]

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the said company, or their successors, or any other person or persons by their authority, shall collect or demand any greater tolls for passing over said bridge, than what are herein before prescribed

Penalty on
demanding
illegal tolls.

and specified, or shall neglect to keep the same in good repair, or keep a list of tolls placed near the said bridge, on ten days notice given by or from any justice of the peace in and for the county of Berks, they so offending shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered as debts of the same amount are by law recoverable, one moiety thereof to go for the use of the county of Berks, and the other moiety for the use of the person who shall sue for the same ; but no suit shall be brought unless commenced within thirty days from the time when the offence shall have been committed.

1816.

Penalty on neglecting to keep bridge in repair.

SECT. 11. [President and managers to keep accounts of tolls, and make dividends of clear profits on the fourth Mondays of December and June, annually. 12. Abstract of accounts to be laid before the legislature every five years. Provision for increasing and reducing tolls in certain events. 13. Work to be commenced in two and finished in five years.]

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of said bridge, or any toll-house, gate or bars or other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge or the person employed in conducting the business thereof, or shall wilfully deface or destroy the letters, figures or other characters in any written or printed list of the rates of toll affixed in any place or places for information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge or any part or parts thereof, he, she or they so offending shall, each of them, forfeit and pay for every such offence, to said corporation, a sum not exceeding twenty dollars, to be recovered, on conviction before any justice of the peace, as debts of like amount are by law recoverable ; but no such suit shall be brought unless commenced within thirty days after such offence shall have been committed, and he, she or they so offending shall remain liable to action at the suit of the said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided*, That the suit last herein mentioned shall be brought within thirty days after such conviction, and not otherwise : *Provided also*, That nothing in this act contained, shall extend to authorise the said president, managers and company to erect a bridge in the manner in this act before mentioned, without the consent of the owner or owners of the ground on each side of and contiguous to the said river where the said bridge may be erected, or to erect the same in such manner as in any way to interfere with, injure or interrupt the navigation thereof.

Penalty on injuring any part of the bridge, &c.

Proviso.

2d proviso.

Preserving rights of land owners—and navigation of the river.

SECT. 15. [Prohibited from doing business in the nature of banking, or investing their funds in unincorporated banks. 16. Neither fording place nor lock navigation to be obstructed.]

Passed 19th March, 1816.—Recorded in Law Book No. XVI. p. 20.

1816

CHAPTER 4267.

An act to compel the payment of dividends due to the commonwealth, made by incorporated companies.

Dividends to
be paid into
treasury in
60 days.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That in all incorporated companies (banking companies excepted) now created, or which may hereafter be created by virtue of any law of this commonwealth, and in which any portion of the stock now is or hereafter shall be held by the state, and whereon dividends have been or hereafter may be declared by the directors or managers thereof, respectively, it shall be the duty of each and every of the treasurers of the said incorporations respectively, to pay the proportions due to the state into the treasury of this commonwealth, within sixty days after each declaration of dividends, and within sixty days after passing of this act with respect to dividends heretofore declared, and on failure to make such payment, the governor is hereby directed to instruct the attorney general to bring suit therefor against such defaulting company.

Passed 19th March, 1816.—Recorded in Law Book No. XVI. p. 27.

CHAPTER 4268.

[Vol. 3, p.
311, vol. 5, p.
100.]

A supplement to the act, entitled "An act to enable the governor to incorporate a company for improving the navigation of the river Lehigh."

SECT. 1. [COMMISSIONERS appointed to perform the duties set forth in the act, (vol. 3, p. 311,) except as to the time of opening books. Whatever acts to be done on the first Monday of May in any year, shall be done on the first Monday of September. 2. Company may commence work at such places as in their opinion first require improvement. 3. Company may erect their locks any number of feet not less than 70 and in width not less than 17 in the clear. So much of the act as requires 40 feet in width of their dams in the main channel, 15 inches lower than any other part of such dam shall not prevent them from giving such lateral slope to the fall of 15 inches, as they shall find most convenient, nor from reducing such depressed part to any size not less than 30 feet in width, and 12 in depth, where the same ought in their judgment to be so reduced. 4. So much of the original act hereby altered or supplied, repealed; and the limitation contained in the 21st sect. extended to five years for beginning and ten for completing the work.

Passed 19th March, 1816.—Recorded in Law Book No. XVI. p. 28.

NOTE.—See vol. 3, p. 311, vol. 5, p. 100. Also, ch. 3908, and ch. 4555.

CHAPTER 4269.

[Ch. 3877.]

A supplement to the act, entitled "An act for the sale of the residue of the reserve tract of land at the mouth of Big Beaver creek."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly*

met, and it is hereby enacted by the authority of the same, That 1816.
the limitation contained in the proviso to the first section of the act,
entitled “ An act for the sale of the residue of the reserve tract of
land at the mouth of Big Beaver creek,” passed the fourteenth
day of March, one thousand eight hundred and fourteen, be, and Ch. 3877.
the same is hereby extended until the twenty-second day of Decem-
ber, one thousand eight hundred and eighteen, [extended to 1st Ja-
nuary, 1824, ch. 4513 :] *Provided,* That interest shall be calculated
on the whole amount of purchase money from the time the same be-
came payable by the provisions of the aforesaid act.

Passed 19th March, 1816.—Recorded in Law Book No. XVI. p. 29.

NOTE.—See ch. 3847, 4189, and 4513, and notes thereto.

CHAPTER 4270.

An act for the relief of the Hospital at New Orleans, and of the Pennsylvania Hos-
pital.

WHEREAS, by a communication received from the governor of Louisiana, it appears that the twelfth section of an act of the legislature of that state, entitled “ An act to regulate the administration of the charity hospital of the city of New Orleans,” passed the seventh day of March, one thousand eight hundred and fourteen, provides, that “ Whereas the funds belonging to the charity hospital of the city of New Orleans, and the state of the public treasury do not allow to give immediately to that establishment all the extent required by the situation of this city, to which great numbers of our fellow citizens, inhabitants of the states and territories bordering on the Mississippi, the Ohio and the several waters that fall into these rivers, annually repair: *Be it further enacted,* That the governor be, and he is hereby required to write to the legislatures of the several states, to propose to them a subscription for the benefit of the said establishment, and that the amount of the said subscription be especially destined to give to the buildings an extent which may enable them to receive a great number of sick, and to participate to them the relief of the charity:” And whereas, the legislature of Pennsylvania highly appreciating the laudable and humane intention of the legislature of that state, is desirous to aid the institution immediately in extending their buildings, as well as to afford more ample relief to persons who may be attacked by disease when employed in trade from this state at the said city of New Orleans: Therefore,

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That \$5000 grant-
the sum of five thousand dollars be, and the same hereby is appro- ed to New
propriated and granted to the charity hospital of the city of New Orleans hos-
Orleans, upon the express condition that it be exclusively “ destined pit-
to give to the buildings an extent which may enable them to re-
ceive a great number of sick, and to participate to them the relief of
the charity,” as mentioned in said act; and the state treasurer is
hereby authorised and required to pay the said sum of five thousand

1816. dollars to the authenticated order of the governor of the state of Louisiana, out of any money in the treasury.

SECT. 2. And whereas, many of the aforesaid persons from this state, who may be attacked by disease at that city, may be poor and unable to pay for boarding and medical aid, and in order further to aid the institution until its funds shall become more productive :

Be it further enacted by the authority aforesaid, That an annuity, commencing January the first, one thousand eight hundred and sixteen, of five hundred dollars, be, and the same hereby is appropriated and granted to the trustees of the charity hospital of the city of New Orleans, to be applied by and under their direction solely and exclusively to and for the relief of such persons employed in the trade from Pennsylvania, attacked by disease at that city, as in the opinion of said trustees shall not be able, at the time, to pay and discharge their expenses while in said hospital ; and as soon as the legislature of the state of Louisiana shall, by law, secure the right application of the aforesaid annuity of five hundred dollars, mentioned in this section, agreeably to the true intent and meaning hereof, and that a detailed account of the expenditure thereof shall be annually transmitted to the governor of this state, that the same may be laid before the legislature thereof, the state treasurer is hereby authorised and required to pay the said sum to the authenticated order of the governor of the state of Louisiana, out of any money in the treasury : *Provided, always,* That this section shall be and continue in force for and during the term of ten years and no longer.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in case any tax shall be laid on the said hospital and the ground thereunto belonging, the annuity hereby granted shall cease ; and that from and after the passing of this act, the Pennsylvania Hospital, together with the lot or square whereon the same is erected, and the adjacent lots now employed in direct aid and occupation of the said institution, shall be and remain free from the payment of taxes as long as the same shall be directly occupied and employed as at present for humane and charitable purposes.

Passed 19th March, 1816—Recorded in Law Book No. XVI. p. 29.

CHAPTER 4271.

[Ch. 4103, A supplement to an act, entitled “ A further supplement to the act entitled, an act
see also 3707, erecting parts of Northumberland county into separate counties, to be called Union
3708] and Columbia.”

WHEREAS, doubts have arisen under the “ Further supplement to the act for erecting parts of Northumberland county into separate counties, to be called Union and Columbia,” passed the thirteenth day of March, one thousand eight hundred and fifteen, whether suits instituted in Columbia county, where defendants reside or cause of action rose in Turbut and Chillisquaque townships, and in which suits final judgments have been entered by confession or otherwise prior to the first day of May, one thousand eight hundred

Ch. 4103.

\$500 per ann. to be applied to relief of Pennsylvanians.

Account of expenditure to be sent to the governor.

Limitation.

Pennsylvania Hospital exempt from tax.

See vol. 1, p. 208.

and fifteen, are removed to Northumberland county by the said act, and whether any proceedings can be had on said judgments in Columbia county since the first day of May aforesaid, notwithstanding execution may have issued on said judgments to the sheriff of said county prior to said first day of May, one thousand eight hundred and fifteen: For remedy whereof,

1816.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all suits brought in Columbia county, where defendants reside or cause of action arose in Turbut and Chillisquaque townships, in which final judgments have been entered by confession or otherwise, and execution issued to the sheriff of Columbia county prior to the first day of May, one thousand eight hundred and fifteen, shall be considered as pending in the said county of Columbia since the said first day of May aforesaid, for every purpose as if the said act of March thirteenth, one thousand eight hundred and fifteen, and the act extending the bounds of Northumberland county, passed the twenty-first day of February, one thousand eight hundred and fifteen, had not been enacted, and in all such suits as aforesaid, all such process may issue from the county of Columbia, to the sheriff of that county, as may be deemed necessary to carry the judgments entered therein with full and complete effect, and the said sheriff shall have the same power and authority to act under the said process, as fully and effectually as he may or can do on any similar process within the present bounds of Columbia county, and the prothonotary of Northumberland county shall re-deliver to the prothonotary of Columbia county, all papers in the said suits, which he may have received from the prothonotary of Columbia county.

Certain suits to be considered as pending in Columbia county, &c.

Ch. 4103.

Ch. 4025.

Sheriff's duty & powers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no suit now pending, or which shall be commenced in the courts of the county of Northumberland before the first day of May next, shall be in any manner affected by the act entitled "An act to extend the boundaries of Columbia county," passed the twenty-second day of January, one thousand eight hundred and sixteen, but the same shall be completed and carried into execution by the sheriff or coroner of Northumberland county as if that act had not been passed.

Certain suits not to be affected by this act.

Ch. 4136.

Passed 19th March, 1816.—Recorded in Law Book No. XVI. p. 31.

NOTE.—By act (ch. 3984) certain suits depending in Northumberland, transferred to Union Docket to be prepared. The acts of the officers of Union confirmed, and the same act extended to Columbia and Northumberland.

Part of Columbia and Luzerne annexed to Schuylkill, and provision respecting suits, taxes, &c (ch. 4529.)

See ch. 3707, 3984, and 4136, with notes thereto.

A C T S

OF THE

General Assembly of Pennsylvania,

Passed at a session which commenced on the 3d day of December, 1816, and ended the 25th March, 1817.

1817.

SIMON SNYDER, GOVERNOR.

ISAAC WEAVER. SPEAKER OF THE SENATE.

REES HILL, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

CHAPTER 4279.

[Incor. vol. 5, p. 265]

An act authorising the president and managers of the Schuylkill Falls Bridge Company, to sell and transfer all their corporate rights and property.

SECT. 1. [THE company authorized to sell &c. their corporate rights. Ten days notice to be given. In the deed there shall be a covenant, on the part of the purchaser, to build within three years, a permanent and substantial bridge similar to those on the Delaware at New Hope and Schuylkill at Reading.]

Passed 9th January, 1817.—Recorded in Law Book No. XVI p. 43.

NOTE.—See ch. 3774, and notes thereto.

CHAPTER 4281.

An act authorising the governor to incorporate the Kennet and Downingtown Turnpike Company.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of time and place of opening books. Commissioners may a journe and transfer the books from place to place on giving notice. Books to be closed when 1200 subscribed. Three dollars a share to be paid on subscribing. 2. Road to commence at the end of the Wilmington and Kennet Turnpike where it intersects the line of the state of Delaware, and run thence by the best route to the Philadelphia and Lancaster turnpike where it is intersected by the Downingtown, Ephrata and Harrisburg turnpike. 3. When 500 shares are subscribed by 30 persons, commissioners may certify it to the

governor who shall incorporate the subscribers by the name of "President, Managers and Company of the Kennet and Downingtown Turnpike Road." Usual corporate privileges granted. 4. Proceedings to organize the company. A president, six managers and a treasurer to be chosen by ballot. Company may make by-laws, &c. To have the same privileges and be subject to the same restrictions as to the Little Conestoga turnpike company, (Vol. 5, p. 29.) Road to be begun in four and completed in ten years. 5. Company prohibited from banking, &c.

Passed 9th January, 1817.—Recorded in Law Book No. XVI. p. 45.

CHAPTER 4283.

An act for the better regulation of the borough of Harrisburg.

[See vol. 4, p. 487.]

SECT. 1. [THE court of Q. S. authorised to appoint viewers to lay out streets, &c. Qualifications, to report and exhibit a draft; when confirmed owners of land to be compensated. 2. On report the court to appoint six viewers to assess damages, advantages to be considered. 3. If valuation approved by the court, the county treasurer to pay the amount, when the corporation to cause the streets &c. to be opened; unless damages paid in one year, proceedings to be void.]

Passed 9th January, 1817.—Recorded in Law Book No. XVI. p. 48.

NOTE.—This borough was incorporated by act of 13th April 1791, (ch. 1559,) which was repealed and supplied by the act, (vol. 5, p. 487.)

Seat of government established at Harrisburg, (vol. 5, p. 87, 290)

The Harrisburg canal company incorporated, (ch. 3894.)

Act providing for the erection of a state capitol at Harrisburg (ch. 4229) and supplements, also ch. 4432.

Lot of ground granted for an academy (ch. 3935.)

Number of constables increased to three, (ch. 4351.)

Act providing for the erection of a state arsenal at Harrisburg, (ch. 4221)

Number of inhabitants in the township of Harrisburg by the U. S. census of 1820, was 2990, of which 33 were engaged in agriculture, 62 in commerce, and 413 in manufactures, 33 were foreigners not naturalized, and 186 free coloured persons. Number of taxables in Dauphin county by state census of 1821, 4235; six persons deaf and dumb, and 11 slaves.

CHAPTER 4285.

An act to empower the mayor and recorder of the city of Philadelphia, to take the proof of deeds and for other purposes.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the mayor and recorder of the city of Philadelphia, shall have power and authority to take the proof of all deeds, conveyances, mortgages, or other instruments of writing, touching or concerning any lands, tenements or hereditaments, situate, lying and being in any part of the commonwealth, and may take and receive the same fees as by law they are now severally entitled to receive for taking the acknowledgements of the same, which probates shall have the like

May take
proof of deeds
&c

1817. force and effects as if the same were proved before a judge of the Supreme Court or any judge of the Court of Common Pleas with-
 Vol. 1, p. 94. in this commonwealth.*

Recorder to
 issue *habeas*
corpus. SECT. 2. *And be it further enacted by the authority aforesaid,*
 That the recorder of the city of Philadelphia shall have power to
 issue writs of *habeas corpus*, and to give relief thereon in the man-
 ner and as fully as the president or any associate judge of a Court of
 Common Pleas in this commonwealth at present may or can do
 by virtue of an act of assembly entitled "An act for the better
 securing personal liberty and preventing unlawful imprisonment,"
 Vol 2, p. 275. and under the like restrictions and penalties.†

Recorder or
 alderman to
 administer
 oath of office
 to the mayor. SECT. 3. *And be it further enacted by the authority aforesaid,*
 That it shall and may be lawful for the recorder, or any alderman
 of the city of Philadelphia, to administer the oath or affirmation
 prescribed by law to the mayor elect, previous to his entering upon
 the duties of the said office.

Passed 9th January, 1817.—Recorded in Law Book No. XVI. p. 52.

NOTE.—For a general reference to the laws respecting the city of Philadelphia,
 see (ch. 4877,) and notes thereto.

CHAPTER 4286.

A supplement to the act entitled "An act authorising the appointment of an addi-
 tional auctioneer within the city and liberties of Philadelphia," passed the twenty-
 fifth day of January, one thousand eight hundred and sixteen.

SECT. 1. [AUCTIONEER appointed by the act (ch. 4140,) placed on the same footing as other auctioneers except the auctioneer for the sale of horses, &c. 2. So much of former act as authorizes the charge of seven and a half per cent. on sale of books and stationery, repealed.]

Passed 14th January, 1817 —Recorded in Law Book No. XVI. p. 52.

NOTE.—See ch. 4140 and 5077, and notes thereto.

CHAPTER 4287.

An act concerning the payment of interest on lands north and west of the rivers
 Ohio, Allegheny and Conewango creeek.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That in all cases where patents may hereafter be issued from the land

* Previously to the act in the text, the mayor and recorder of Philadelphia had power to take *proofs* only of deeds for lands within the city, or at most within the county of Philadelphia. 2 Serg. and Rawle, 80, and ch. 3892 and notes thereto.

† See ch. 4367 giving a similar power to the recorder of Pittsburg, in all cases of insolvent debtors and criminal cases originating in the city.

Same power to the recorder of the city of Lancaster, (ch. 4558, sect. 21.)

See act vol. 2, p. 275, and ch. 4367, for a general reference to the laws and judicial decisions on the subject of this writ.

office for lands lying north and west of the rivers Ohio, Allegheny and Conewango creek, the person or persons receiving the same shall only be required to pay interest on the principal sum due, from the expiration of five years after the date of the first improvement made on the land therein described.

1817.

Passed 14th February, 1817.—Recorded in Law Book No. XVI. p. 53.

NOTE.—See ch. 4795, and notes thereto.

CHAPTER 4298.

An act to enable the Governor to incorporate a company for making an artificial road from Danville, in the county of Columbia, by the best and nearest route to Pennsborough, in the county of Lycoming.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares, 25 dollars. Notice to be given of the time and place of opening books. Books may be transferred. To be closed when 2400 shares are subscribed. Five dollars a share to be paid on subscribing. 2. When 1800 shares subscribed by 20 persons, commissioners to certify it to the governor, who shall incorporate the subscribers by the name of "The President, Managers and Company of the Danville and Pennsborough Turnpike Road." Usual corporate privileges given. Company not to issue bank notes, or do business in the nature of banking. 3. Notice to be given of the time and place of organizing the corporation. A president, twelve managers, and treasurer, to be chosen by ballot. Company may make by-laws, &c. To have the same powers and privileges, and be subject to the same restrictions as the Centre turnpike company, (vol. 4, p. 227.) Work to be commenced in four, and finished in ten years.]

Passed 3d February, 1817.—Recorded in Law Book No. XVI. p. 59.

CHAPTER 4299.

An act to authorise the commissioners of Union county to sell and convey part of a lot of ground in the town of New-Berlin, in the county of Union.

Passed 3d February, 1817.—Recorded in Law Book No. XVI. p. 62.

NOTE.—See ch. 3707 and notes thereto.

CHAPTER 4300.

A supplement to the act entitled "An act to raise and collect county rates and levies."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That so much of the eighth section of the act to which this is a supplement,*

Vol. 3, p. 392.

as exempts ministers of the gospel of every denomination, and school

1817. masters, from being assessed and paying taxes, be, and the same is hereby repealed.

Passed 3d February, 1817.—Recorded in Law Book No. XVI. p. 62.

NOTE.—See ch. 5067 for a general reference to laws respecting county rates and levies and duties and power of county commissioners. As to sales of unseated lands for taxes see ch. 4123.

CHAPTER 4301.

[Vol 5, p. 161.]

A further supplement to the act entitled "An act to amend and consolidate with its supplements the act entitled 'An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes.'"

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That the prothonotaries of the several Courts of Common Pleas be, and they are hereby respectively authorised and empowered to administer the oath or affirmation required by the twenty-first section of the act to which this is a further supplement to be taken on the issuing of any writ of certiorari, which oath or affirmation, so administered, shall have the same force and effect as if administered by a judge of any of the said courts.*

Passed 3d February, 1817.—Recorded in Law Book No. XVI. p. 63.

NOTE.—See vol. 5, p. 161, ch. 3909, laws prescribing the duties of justices of 4164, 4893 for a general reference to the the peace and constables.

CHAPTER 4302.

[Incor. vol. 4, p. 206. An act to enable the Burgess and Town Council of the borough of Erie to lease certain lots to the United States.

SECT. 1. [THE corporation of Erie authorised to lease to the U. S. for term not exceeding 21 years, any of the water lots not more than ten and to appropriate the rents to the improvement of the borough.]

Passed 5th February 1817.—Recorded in Law Book No. XVI. p. 63.

NOTE.—The town of Erie has been established by the U. S. as a port of entry for the harbour of Presq. Isle.

Act for selling the reserved tracts adjoining the town (ch. 4589)

Acts relating to an academy in the borough, (ch. 4450, 4995.)

The number of inhabitants in the borough by the U. S. census of 1820, was 635.

Of taxables in the county by state census of 1821, 1973, 14 persons deaf and dumb and two slaves.

CHAPTER 4303.

An act authorising the Governor to incorporate the President, Managers and Company of the Bethany and Canaan turnpike road.

SECT. 1. [COMMISSIONERS named to receive subscrip-



tions. Form. Price of shares twenty-five dollars. Notice to be given of the time and place of opening books. Commissioners may adjourn, and transfer the books on giving notice. Books to be closed when 800 shares are subscribed. Two dollars a share to be paid on subscribing. 2. When twenty persons have subscribed 300 shares, commissioners may certify it to the governor who to incorporate by the name of "The President, Managers and Company of the Bethany and Canaan turnpike road." Usual corporate powers given. 5. Twenty days notice to be given of the time and place of organizing the company. A president, twelve managers and a treasurer to be chosen by ballot. Company may make by-laws, &c. No person to have more than ten votes. Annual election to be held on the first Monday of January. 4. President and managers and their agents surveyors, &c. may enter enclosures for the purpose of surveying the ground and marking the course of the road. To have like powers and be subject to like restrictions as the Cohasseton and Great Bend turnpike company, (vol. 4, p. 176.) Work to be commenced in three and finished in ten years. 5. Company prohibited from banking or issuing notes in the nature of bank notes on pain of forfeiture of charter.]

Passed 5th February, 1817.—Recorded in Law Book No. XVI. p. 64.

CHAPTER 4304.

An act to authorise the governor to incorporate a company for improving the navigation of the Lackawana creek.

SECT. 1. [COMMISSIONERS named to receive subscriptions. Form. Price of shares 25 dollars. Notice of opening books. Commissioners may adjourn and transfer the books. Two dollars a share payable on subscribing. 2. When ten persons have subscribed 60 shares, commissioners may certify it to the governor who to incorporate by the name of "The President, Managers and Company of the Lackawana Navigation company." Usual corporate privileges granted. 3. Notice to be given of the time and place of organizing the company. A president, eight managers, treasurer and secretary to be chosen by ballot. Company may make by-laws, &c. not contrary to the laws of the United States or of this state. 4. Stockholders to meet annually on the second Monday of June to choose officers and determine questions affecting the interest of the company. 5. To have power to open a complete canal and lock navigation on Lackawana creek, may erect dams, locks, &c. and any devices whatever necessary for that purpose and remove obstructions from the bed of the creek. 6. To have the same powers and privileges under the same restrictions, &c. as the Neshaminy Lock Navigation company, (ch. 3924.) Rates of toll prescribed. Mill dams erected on the creek before it was declared a public highway not to be injured. 7. Charter may be revoked if it proves injurious. 8. Company prohibited from issuing bank notes or doing business in the nature of banking.]

Passed 5th February, 1817.—Recorded in Law Book No. XVI. p. 67.

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CHAPTER 4305.

An act to legalize and make valid the official proceedings of David C. Kulp, a justice of the peace of Montgomery county.

WHEREAS it has been represented to the Legislature, that David C. Kulp, a justice of the peace for the fourth district in the county of Montgomery, while acting as a justice of the peace for the said district, was appointed an assistant assessor of the direct tax of the United States in the said county, whereby his commission as justice of the peace became vacated, according to the laws of this commonwealth: And whereas the appointment as assistant assessor was incompatible with his office as justice of the peace, he continued to perform various official acts as a justice of the peace for the said district, until a new commission was granted to him by the governor of this commonwealth: And whereas various citizens of this commonwealth and others may be greatly injured, unless the official acts of the said David C. Kulp be legalized and confirmed: Therefore,

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all the official acts and proceedings of David C. Kulp, a justice of the peace for the fourth district in the county of Montgomery, done and performed by him from the thirteenth day of April, eighteen hundred and fifteen, until the first day of June, eighteen hundred and sixteen, be and the same are hereby declared to be legal and valid, so far as they may have been illegal or invalid by his acting as an assistant assessor of the direct tax of the United States for the above recited period, and shall be so regarded within all courts of justice within this commonwealth and elsewhere, to all intents and purposes as if the said David C. Kulp had not accepted and acted in the office of assistant assessor of the direct tax of the United States in the said county of Montgomery.

Passed 5th February, 1817.—Recorded in Law Book No. XVI. p. 70.

NOTE.—The act (vol. 3, p. 485,) declares the holding of any office or appointment under the U. S. incompatible with that of justice of the peace, &c. See also Sect. 8, Art. 2, Con. of Penn. and vol. 5, p. 310.

CHAPTER 4307.

[Vol. 4, p. 194.] A supplement to the act entitled "An act to provide for the inspection of ground black oak bark intended for exportation."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all ground black oak bark intended for exportation from the port of Philadelphia, shall be put up and packed in casks, which shall be branded by the inspector, in plain and legible characters, *first, second, or third quality*, as its quality and manufacture may merit, together with the word *Philadelphia*, and the name of the inspector; and no cask shall be so marked except the same shall be free from all mixture with other bark, tan or extraneous matter, from damage by wet, mould or otherwise.

To be packed in casks and branded.

SECT. 2. *And be it further enacted by the authority aforesaid,* 1817.
 That there shall hereafter be an allowance of one pound in every hundred pounds gross, for draft, and if any person shall return a lighter tare on their casks than the actual weight of them will warrant, he shall forfeit and pay the sum of twenty dollars for each and every offence one half to the use of the person or officer who shall prosecute therefor, and the other half to the use of the poor of the said city, to be recovered as debts of equal amount are by law recoverable: *Provided*, Nothing in this supplement shall be considered to extend to liquid extracts of bark, or to any preparation of bark for which a patent may have been granted or hereafter may be granted from the United States.

Penalty for returning too light a tare.
Fines appropriated.

SECT. 3. *And be it further enacted by the authority aforesaid,*
 That the third section, and so much of the act to which this is a supplement, as is hereby altered or supplied, be, and the same is hereby repealed.

Repeal.
Vol. 4, p. 19.

Passed 5th February, 1817.—Recorded in Law Book No. XVI. p. 72.

NOTE.—By a resolution of the 16th March, 1820, the inspectors of flour and bark of the port of Philadelphia to report in the month of January annually the quantity of inspected with their receipts and expenditures.

The fees of the inspector to be for every ton inspected \$1.50, for storage of every hogshead per week five cents and in proportion for tierces and barrels, (ch. 4988.)

CHAPTER 4308.

An act to erect the town of Bedford, in the county of Bedford, into a borough.

SECT. 1. [ERECTED into a borough. Its limits. 2. Qualification of electors, same as for members of assembly. Chief burgess, assistant burgess, six town councilmen and high constable to be chosen. Judges, clerks, and inspector of elections to be under the same penalties &c. as those acting by the authority of the general election law. In case of a tie, preference to be decided by lot. Certificates of election to be made and recorded. Vacancies to be supplied by a new election. 3. Council to be divided by lot into three classes. First class to go out of office at the end of the first year, &c. 4. Annual election to be on the first Friday of March. Persons elect to be notified. How vacancies to be supplied. 5. Constables, street supervisors, overseers of the poor, inspectors and assessors to be elected in the same manner as the same officers are directed by law to be chosen in other townships, and have like duties, &c. 6. Corporation to be styled "The Burgesses and Council of the borough of Bedford." Yearly value of corporate property not to exceed 5000 dollars. May have a common seal, &c. 7. Penalty of 20 dollars for refusing to act as officers. How to be recovered and to whom paid. No person obliged to serve more than once in five years. 8. Officers to take an oath or affirmation. 9. Burgess or assistant, with four members of the council, a quorum. Meetings to be held on the third Saturdays of May, July, October and February. May make by-laws, ordinances, &c. assess taxes, &c. By-laws to be signed by the president and attested by

1817. the secretary. A secretary, treasurer, clerk of the market, collector, &c. to be appointed by the council, and be removable for misdemeanor. No by-law, &c. to have force which is contrary to the constitution and laws of the United States or of this commonwealth. By-laws to be published before put in execution. Tax in any year not to exceed one per cent. unless for some purpose of general utility, approved by a majority of the taxable inhabitants. Chief burgess or his assistant to issue his precept to the high constable to collect taxes, &c. 11. Secretary to attend meetings of the council, keep the seal and records and attest the acts of the corporation. 12. Treasurer to give security. 13. Officers appointed by the council to render their accounts annually. Accounts to be published. 14. Appeal from taxes, &c. 15. High constable to give notice of elections, &c. 16. Town council to fix the salaries of officers appointed under this act, &c. Penalty for refusing to serve when appointed by burgess or council. No person required to serve more than once in five years. Appeal may be had to the Quarter Sessions by parties aggrieved except in cases of borough taxes. 18. Act of 13th March, 1795, (vol. 3, p. 202,) and of 26th March, 1814, (ch. 3921,) repealed.]

Passed 5th February, 1817.—Recorded in Law Book No. XVI. p. 73.

NOTE.—This borough was incorporated on the 13th March 1795 (vol. 3, p. 202) Its limits were enlarged by act, (ch. 3921,) both acts were repealed and supplied by the act in the text. See vol 2, p. 96, regulating fences in the county.

The electors annually at the court house to elect four citizens and return their names to Q. S. who to appoint two of them constables, who to have same power as others. High constable to give notice of election, (ch. 4550.) See also

act regulating proceedings, &c. against constables (ch. 483,) and notes thereto.

The counties of Bedford, Somerset, and Cambria, declared a district to establish one bank to be called "The Alleghany bank of Pennsylvania (ch. 3902.)

The number of inhabitants in the borough by the U. S. census of 1820 was 789, and in the county 20,248.

The number of taxables in the county by the state census of 1821, was 4045 14 persons deaf and dumb, and 2 slaves.

CHAPTER 4310.

[Original law A further supplement to the act passed the thirty first of March, one thousand eight hundred and six, authorising the erection of a school house near Sumanytown in Montgomery county. ch. 2719.]

SECT. 1. [SURPLUS money of lottery, appropriated to the erection of a dwelling for the accommodation of the teacher, and to be so applied by the commissioners. 2. Persons appointed to receive the monies in the hands of the commissioners appointed by the 5th sect. of the act, (ch. 2719.)]

Passed 10th February, 1817.—Recorded in Law Book No. XVI. p. 80.

CHAPTER 4314.

[Vol 5, p. 270, see also ch 3818] A further supplement to the act entitled "An act to encourage the constructing of certain great and leading roads within this Commonwealth, and the erection of bridges over the Susquehanna at Harrisburg, Northumberland, Columbia and M^c-Call's ferry."

SECT. 1. [THE Governor authorised to draw his warrant in

favour of the president, directors and company, for erecting a bridge over the Susquehanna, at Harrisburg, for 22,500, the last instalment of 4500 shares held by the state. 2. Company authorised to raise the toll on certain carriages, &c. [3. Repeal in part of former acts.]

Passed 10th February 1817 —Recorded in Law Book No. XVI. p. 82.

CHAPTER 4316.

An act declaring Crooked creek, in the county of Tioga, a public highway.


SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Crooked creek in the county of Tioga, from the mouth thereof up the same to its forks, be, and the same is hereby declared a public highway for the passage of rafts, boats or other vessels; and it shall and may be lawful for the inhabitants desirous of using the navigation of said creek, to remove all natural and artificial obstructions from the bed or channel of said creek, excepting mill dams or other water works, and to erect such slopes or locks, and to keep the same in repair, at the dams now built as may be necessary for the passage of rafts, boats, arks and other vessels: *Provided,* Such slopes or locks be so constructed as not to injure said dams; *And provided also,* That any person or persons owning or possessing lands on said creek, may construct or erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act entitled “An act to authorise any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams for mills and other water works,” passed the twenty-third of March, one thousand eight hundred and three. Vol. 4, p. 20.

Passed 10th February, 1817.—Recorded in Law Book No. XVI. p. 83.

CHAPTER 4319.

An act to authorise the Governor to appoint commissioners to lay out a state road in the county of Washington.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be, and he is hereby authorised to appoint three disinterested commissioners, one of whom shall be a practical surveyor, but neither of them shall be an inhabitant of either of the townships through which said road passes, to lay out and mark a state road, beginning near the house of Daniel Dye, Canton township, from thence the nearest and best route through Taylorstown, to intersect the Virginia state road at or near the house of Alexander M’Kettricks on the state line; and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and deposit a draft of said road, together with a certificate of To be appointed. To deposit a draft with the clerk of the Q. S.

1817.  their appointment, and a certified copy of their oaths or affirmations, in the office of the clerk of the Court of Quarter Sessions of the county of Washington, which shall be a record of said road, and from thenceforth shall be, to all intents and purposes, a public highway, and shall be opened and kept in repair as other roads laid out by order of the Court of Quarter Sessions are in said county.

SECT. 2. [To receive three dollars per day.]

Passed 17th February, 1817.—Recorded in Law Book No. XVI. p. 84.

CHAPTER 4323.

[Ch. 4211.] An act to repeal the act entitled “An act to authorise the surveyor of the township of the Northern Liberties, in the county of Philadelphia, to re-survey, lay out and regulate Slesman’s alley in the incorporated district of the Northern Liberties.”

Passed 17th February, 1817.—Recorded in Law Book No. XVI. p. 87.

NOTE.—See ch. 4196 and 4515, and notes thereto, for a general reference to the laws relating to the Northern Liberties.

CHAPTER 4324.

An act to incorporate the town of Newville, in the county of Cumberland.

SECT. 1. [NEWVILLE erected into a borough. Its bounds. Proviso excluding property belonging to the Presbyterian church at Big Spring. 2. Qualifications of electors. Time and place of holding elections. Chief burgess, assistant burgess, and seven town council men to be chosen. Judges, inspectors and clerks of elections to be chosen. Manner of conducting elections. Judges, &c. to be sworn or affirmed. In case of a tie, preference to be determined by lot. Certificates to be transmitted to persons elect. Vacancies to be supplied by a new election. 3. Burgess, &c. incorporated by the name of “The chief burgess, assistant burgess, and town council of the borough of Newville.” Usual corporate powers granted. Yearly value of corporate property not to exceed five thousand dollars. May have a common seal, &c. 4. Penalty on refusing to serve. How recoverable and how applied. No person obliged to serve more than once in four years. 5. Officers to be sworn or affirmed. 6. Five of the council a quorum. May make by-laws, &c. regulate markets, streets, &c. assess and appropriate taxes. Appoint clerk, treasurer, supervisors, &c. and remove them for misdemeanor. Majority to appoint place of holding meetings. No by-law, &c. to have force which is contrary to the laws and constitution of the United States, or of this state, nor until it has been published. Tax not to exceed one half per cent. in any one year, unless for some purpose of general utility approved of by a majority of the taxable inhabitants. 7. Burgess to issue precept for collection of taxes and fines. Fines and forfeitures may be remitted. 8. Town clerk to attend meetings of the council, keep the seal and records, and attest the acts of the corporation. 9. Treasurer to give security, &c. 10. Officers appointed by the counsel to exhibit their

accounts annually to that body. Accounts to be published. 11. 1817.
Court of appeal from taxes. 12. High constable to give notice of
elections, &c. 13. Compensation of officers. How paid. Penal-
ty on refusing to serve when appointed by the council. How fines
appropriated. No person liable to serve more than once in four
years. 14. Appeal to the Common Pleas, for parties aggrieved,
except in cases of borough taxes.]

Passed 26th February, 1817.—Recorded in Law Book No. XVI. p. 88.

NOTE.—The number of inhabitants in berland, 23,606. Taxables by state cen-
sus of 1821, was 5 48; 22 persons deaf
1820, was 412, and in the county of Cum- and dum, and 25 slaves.

CHAPTER 4325.

An act authorising the treasurers of Beaver and Butler counties to sell unseated
lands in their respective counties for taxes.

SECT. 1. [AUTHORISED to begin the sale on the first
Monday of August next and adjourn from day to day to sell un-
seated land as will pay arrearages of taxes due one year before the
second Monday of June last and costs. 2. Sixty days notice to be
given of the time and place, the townships, the number of acres and
the names of the warrantees and the amount of taxes at least four
times in one Philadelphia paper and in one paper within the county
where the lands lie. Sales to be regulated by the act ch., 4123.]

Passed 26th February, 1817.—Recorded in Law Book No. XVI. p. 93.

NOTE.—See vol. 4, p. 201, ch. 4123, 4361, and notes thereto. As to lots at mouth
of Beaver creek, see 4153.

CHAPTER 4326.

A supplement to "An act concerning divorces."

[Sup. ch.
4104, see also
ch. 4655.]

SECT. 1. *BE it enacted by the senate and house of represen-*
tatives of the commonwealth of Pennsylvania, in general assembly
met, and it is hereby enacted by the authority of the same, That
if any husband shall maliciously either abandon his family, or turn
his wife out of doors, or by cruel and barbarous treatment endan-
ger her life, or offer such indignities to her person as to render her
condition intolerable or life burthensome, and thereby force her to
withdraw from his house and family, it shall be lawful for the Court
of Common Pleas of the respective counties, upon complaint and due
proof thereof, made in the manner prescribed in the act to which
this is a supplement, to grant the wife a divorce from bed and board
and also to allow her such alimony as her husband's circumstances
will admit of. so as the same do not exceed the third part of the
annual profit or income of his estate or of his occupation and labour
which shall continue until a reconciliation shall take place, or until
the husband shall, by his petition or libel, offer to receive and coha-
bit with her again, and to use her as a good husband ought to do,
and then and in such case the court may either suspend the afore-
Court of C. P.
to grant di-
vorses.
To allow ali-
mony.
May suspend
and annul
and in certain

1817.
cases revive
former sen-
tence.

said sentence or decree, or in case of her refusal to return and cohabit under the protection of the court, discharge and annul the same according to their discretion; and if he fail in performing his said offers and engagements, the former sentence or decree may be revived and enforced, and the arrears of the alimony ordered to be paid.

Passed 26th February, 1817.—Recorded in Law Book No. XVI. p. 94.

Vol. 6, p. 286.

NOTE.—From the 13th March 1815, until the act in the text the court had not power to make any other decree, concerning divorces, than a dissolution of the bonds of matrimony without alimony. The act in the text makes a provision for the sentence and decree without repealing the act of March 1815; consequently the wife may now apply for a divorce a *vinculo matrimonii* under that act in

which there is no alimony, or under the act in the text, for divorce from bed and board and for alimony; that is for dissolution forever, (in which case she cannot have alimony) or separation from bed and board with a maintenance from the husband, which is but temporary, per Duncan J. 3 Serg. and Raw. 248.

See ch. 4104 and notes thereto also ch. 4655.

CHAPTER 4327.

[Vol. 4, p.
137.]

A further supplement to the act entitled “An act to enable the governor of this commonwealth to incorporate a company for making an artificial or turnpike road from the intersection of the Bristol and Newtown roads, at the Rock in Oxford, through Bustleton and Smithfield, in the county of Philadelphia, to the Buck tavern in Southampton, in the county of Bucks.”

SECT. 1. [THAT part of the act (vol. 4, p. 137,) as requires the road to be carried further than the division line of Philadelphia and Bucks, repealed. 2. Time of completing the road extended seven years.]

Passed 26th February, 1817.—Recorded in Law Book, No. XVI. p. 94.

NOTE.—The style of this company is “The President, Managers and Company of the Bustletown and Smithfield turnpike road,” vol. 4, p. 137, see also p. 319, and ch. 2627.

CHAPTER 4328.

[Ch. 4925.] An act to erect the town of Milton, in the county of Northumberland, and the town of Butler, in the county of Butler, into boroughs.

SECT. 1. [MILTON erected into a borough. Its bounds. 2. Qualification of electors same as for members of assembly. A burgess, assistant burgess, seven town council men and two high constables to be elected on the Friday immediately before the third Saturday of March. Court of Quarter Sessions to appoint one of the two persons elect constable. Judges, inspectors and clerks of elections to be appointed. Their duties and penalty for mal practices same as by law imposed. To be sworn or affirmed before they act. When two candidates have an equal number of votes preference to be decided by lot. Certificates to be transmitted to persons elect. Notice of election to be given by the high constable. Vacancies to be supplied by a new election. 3. Incorporated by the name of “The Chief Burgess, Assistant Burgess and Town Council of the borough of Milton” with the usual privileges. May have a common seal. Two markets to be held in the borough each

week. 4. Penalty for refusing to serve when elected. How to be recovered and applied. No person required to serve more than once in three years. 5. Officers to be sworn or affirmed. 7. Council to meet on the last Fridays of February, May, August and November. Five members a quorum. May make by-laws, &c. regulate markets, streets, &c. assess taxes and appoint treasurer, town clerk, clerk of market and collector. No by law to have force which is repugnant to the constitution and laws of the United States, or of this state, nor until it has been published. Tax not in one year exceed half cent in the dollar on the last valuation unless for some object of general utility approved by a majority of the taxable inhabitants. 7. Streets, &c. declared public highways. Supervisors to be chosen. Their powers, &c. 8. Chief burgess or in his absence, &c. the assistant to issue precept for collection of taxes. May remit fines. 9. Town clerk to attend meetings of the council, keep the seal and records and attest the acts of the corporation. 10. Treasurer to give security, &c. 11. Officers appointed by the council to exhibit their accounts annually to that body. Accounts to be published. 12. Court of appeal from taxes. 13. High constable to give notice of elections. 14. Town council to fix salaries of officers. How to be paid. Penalty on refusing to serve when appointed by the council. No person obliged to serve more than once in three years. 15. Appeal to Common Pleas. 16. Butler erected into a borough to be called "The Borough of Butler." Its limits. 17. Qualifications of electors same as for members of assembly. Notice of elections. Chief burgess, assistant burgess, seven town council men and high constable to be chosen. Judges, inspectors and clerk of elections to be previously appointed. Manner of conducting elections. Officers of election to be sworn or affirmed. When there is a tie, the preference to be decided by lot. Certificates to be transmitted to persons elect. Vacancies to be supplied by a new election. 18. Chief burgess, &c. incorporated by the name of "The Chief Burgess, Assistant Burgess and Town Council of the borough of Butler." All the provisions, authorities, rights and privileges contained in the preceding sections relating to the borough of Milton adopted and applied to the borough of Butler.]

Passed 26th February, 1817.—Recorded in Law Book No. XVI. p. 95.

NOTE.—The electors of Milton authorised to choose two persons as overseers of the poor for the borough at the time and under the same regulations and for same purposes as are or shall be directed by law in the townships. Overseers to have the same powers and emoluments as others, (ch. 4925.) The number of inhabitants in the borough of Milton, by the U. S. census of 1820, was 1016, and in Butler 225.

CHAPTER 4329.

An act to authorise the governor to incorporate a company for making an artificial road in Wayne county.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 25 dollars. Notice of opening books. Who may subscribe. Books to be closed when 520 shares are subscribed. Commissioners may adjourn and transfer the books

1817. on giving notice. Five dollars a share to be paid on subscribing. 2. When 20 persons have subscribed 150 shares, letters patent may issue. Corporate name to be "The President Managers and Company of the Stockport and Mount Pleasant Lumber and Stone Coal Turnpike Road." Usual corporate powers given. 3. Notice of the time and place of organizing the company. President, eight managers and treasurer to be chosen by ballot. Company may make by-laws, &c. To have the same privileges and be under the same restrictions as the Coshecton and Great Bend turnpike company, (vol. 4. p. 176.) No toll to be taken from any person passing or repassing from one part of his farm to another, or to or from any place of public worship, militia training, general election, or town meetings for any kind of public business. Work to be begun in four and completed in seven years.]

Passed 26th February 1817.—Recorded in Law Book No. XVI. p. 102.

CHAPTER 4331.

An act to authorise the commissioners of Allegheny county to sell and convey part of lot of ground in the city of Pittsburg, together with the jail of said county thereon erected.

Passed 26th February, 1817.—Recorded in Law Book No. XVI. p. 105.

NOTE.—See ch. 4236, with notes thereto.

CHAPTER 4333.

An act authorising the Governor to incorporate a company for making an artificial road from Bellmont, in the county of Wayne, by the best and nearest route to or near Oghquaga on the river Susquehanna.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of opening the books. Books to be closed when 400 shares are subscribed. Commissioners may adjourn and transfer the books on giving notice. Three dollars a share to be paid on subscribing. 2. As soon as 20 persons have subscribed 100 shares, commissioners may certify it to the governor, who shall incorporate the subscribers by the name of "The President, Managers and Company of the Bellmont and Oghquaga Turnpike Road. Usual corporate privileges granted. Prohibited from banking or issuing bank notes. 3. Proceedings to organize the company. A president, twelve managers, and a treasurer, to be chosen by ballot for one year. Company may make by-laws, &c. and have the same privileges &c. under the same restrictions, &c. as the Coshecton and Great Bend Turnpike Company, (vol. 4, p. 176.) No toll to be demanded from any person passing from one part of his farm to another, or to or from any place of public worship, or funeral, or from the militia, on days of training, or to or from any town ship, general or special election. Road to be commenced in six, and finished in fifteen years.]

Passed 26th February, 1817.—Recorded in Law Book No. XVI. p. 106.

NOTE.—The Governor authorised to subscribe 5000 dollars to the stock of this company, (ch. 4935, sec. 31.)

An act authorising a special session of the Supreme Court for the Lancaster district.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met. and it is hereby enacted by the authority of the same,* That the jur^s of the Supreme Court of this commonwealth be, and they are hereby authorised and required to meet and hold a special session of the said court at the borough of Lancaster, in the county of Lancaster, on Thursday, the sixth day of March, eighteen hundred and seventeen, for the purpose of hearing and determining the cause of Daniel Moore, plaintiff in error, against Robert W. Houston, lately removed by writ of error from the Court of Common Pleas of Lancaster county aforesaid, to the said Supreme Court, with a power of adjournment from time to time until the said cause be determined; and the decision of the said court thereon shall be in all respects of the same force and effect as if it had been made at a regular term of the court, after the return day of the said writ.

Special session authorised.

Power of adjournment.

SECT. 2. [Obsolete.]

Passed 27th February, 1817.—Recorded in Law Book No. XVI. p. 80.

NOTE.—The case, for the trial of which the special court was directed to be held, is reported (3 Serg. and Rawle, 169); the great question was, whether the Legislature of the state had a right to make a law for trial by court martial, of persons who had disobeyed the orders of the President of the U. S. for calling out the militia, issued through the medium of the Governor. The court were unanimously of opinion.

1st. That the power which of courts of justice have to declare an act of assembly unconstitutional and void, was, in its nature, a very delicate one, and that its exercise could not be justified, but in very clear and extreme cases; but that the courts have the power, is established by the great mass of opinion at the bar, on the bench, and in the Legislative assemblies of the U. S., see also 2 Yeates, 501.

2d. That in passing the act of 1814, ch. 3993, (repealed, ch. 5078) the Legislature of Pennsylvania did not exceed their constitutional powers. The 21st section of this act declares, that every non-commissioned officer and private of the militia, who shall have neglected or refused to serve when called into actual service, in pursuance of any orders or requisition of the President of the U. S. shall be liable to the penalties of the act of Congress of the U. S. of February, 1795, (ch. 277) it then defines the penalties in the words of the act of congress, after which it enacts, that within one month after the expiration of the time for which any detachment of the militia shall have been called into the service of the U. S. by or in pursuance of an order from the President, the proper brigade inspector shall

summon a court martial for the trial of such persons who shall have neglected to march, or to furnish a sufficient substitute, or who after having marched, shall have returned without leave from the commanding officer, and as soon as the court martial have decided on each case, the president thereof shall furnish to the marshal of the U. S. and to the comptroller of the treasury, a list of the delinquents fined, in order that the further proceedings directed to be had thereon by the laws of the U. S. may be completed.

The intention of this act was to aid the general government in the promotion of the war, nor do the court perceive that it is, in any respect, in collision with the act of congress. The President might proceed under the courts called by his own authority, but it is not to be imagined, that in such case, the fine inflicted by the state court would be levied, or he might receive the fine under the state law, in which case it would be useless to call a court martial under his own authority. The experience of each day impresses us more deeply with the conviction, that in construing the constitution of the U. S. courts of justice should breathe a spirit of harmony and conciliation. The powers of the states and of the U. S. often approach each other so nearly, that the line of division is almost invisible.—While the laws of both then may be executed without clashing; they both should be supported, unless they are manifestly in violation of the constitution—and, where a construction has long been carried into practice, though unsanctioned by judicial authority, it is worthy of great consideration, because it cannot be over-

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turned without great inconvenience. Let us add to that where the commencement of this practice was almost co-eval with the constitution, there is great reason to suppose that it was in uniformity with the sentiments of those by whom the constitution was best known.

When the states are prohibited expressly by the constitution of the U. S. from the exercise of power, all their power ceased from the adoption thereof, but when the power of the states is taken, away by implication, they may continue to act until the U. S. exclude them. The authority of the state does not cease when congress have legislated partially on a subject over which they may exercise exclusive power.

The court were unanimously of opinion that the act of 1814, was constitutional, and reversed, the judgment of the court of C. P. of Lancaster county, by whom it had been adopted as a general principle, that the proceedings of the court martial, convened by authority of the Governor, under a law of the state, was totally unfounded and void.

A writ of error to the Supreme Court of the U. S. was taken from this opinion, and argued in March term, 1818, when the writ of error dismissed.

The case was again tried in March, 1818, in the court of C. P. of Lancaster, and, a verdict given for the defendant.

A writ of error was thereupon taken to the Supreme Court of Pennsylvania, which was argued in May, 1818, and the judgment of the court of C. P. affirmed.

A writ of error was taken to the Supreme court of the U. S. which was argued in March, 1819, and in February, 1820, the judgment of the Supreme Court of Pennsylvania affirmed. The Supreme Court of the U. S. being of opinion that the act of 1814 was not repugnant to the constitution and laws of the U. S. That the powers granted to congress, are not exclusive of similar powers existing in the states, unless where the constitution has expressly, in terms, given an exclusive power to congress, or the exercise of a like power is prohibited to the states, or there is a direct repugnancy or incompatibility in the exercise of it by the states. An example of the first class is to be found in the exclusive legislation delegated to congress, over places purchased by consent of the legislature of the state, in which they shall be, for forts, arsenals, dock-yards, &c.; of the second class, the prohibition of a state to coin money or emit bills of credit; of the third, the power to establish an uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction.—In all other cases, the states retain concurrent authority with congress. But in cases of concurrent jurisdiction, where the

laws of the states and of the Union are in direct and manifest collision on the same subject, those of the Union, being the supreme law of the land, are of paramount authority, and the state laws, so far, and so far only, as such incompatibility exists, must necessarily yield. 5 Wheaton 1, 49 Wheat, 122, 192.

Several exceptions of minor importance, with respect to the admissibility of particular parts of the evidence offered, were argued in the Supreme Court of the state, by the counsel for the defendant, but the court considered the ground taken in support of them, as untenable. It was objected, that, supposing the law to be valid, the marshal was not justified, because the laws of the U. S. do not direct any proceedings to be had in a case like this, and the act of assembly refers to the laws of the U. S. for the proceedings subsequent to the sentence of the court martial. It was objected also, that the marshal, being an officer of the U. S. could not be compelled to execute a judgment, rendered under the authority of the state. The court were of opinion that although the marshal would be justified by the law of the state, they doubted whether he was compelled to execute the judgment—that the law is not so clear as could be wished. It must have been intended that the proceedings directed by the law of the U. S. that the marshal should levy as directed by the act of congress of 1795, just as if those directions had been inserted in the act of assembly. The President might have ordered the marshal not to levy. The act of assembly left that to his direction, because the money was to be for the use of the U. S. That being the construction, it is of no importance whether a delinquent might be tried by the laws of the U. S. after the term of his service expired or not. It was the intention of the act of assembly, that he should be tried after, because it is expressly said so. The brigade inspector is to summon a court martial, *within a month after the expiration of the time of service*, which, in an act of assembly, means a *calender* month. 2 Dall. 302. 4 Dall. 143 3 Bin 184.

Where fines are inflicted for breach of militia duty, the delinquent has not a right to trial by jury.

The entry of an appointment by the governor, made in the register kept by the secretary of the commonwealth, is good evidence of such appointment.

A class list and inspection roll, signed and affirmed to by a captain, and returned by him, is good evidence when he has left his abode and cannot be found after diligent search.

Though an act of assembly repeals a former act, yet if upon the whole view of it, it is evident that the legislature intend-

ed certain parts to have a temporary continuance until the provisions of the new law took effect, it is not an immediate repeal as to such parts.

The 25th sec. of the act of 1814, which directs that no *certiorari* or other writ, shall issue to remove the proceedings of a court of appeal or court martial, does not operate to prevent an inquiry into the jurisdiction of such courts. It could not have been the intention of the legislature to do so, and thus deliver the citizen, bound hand and foot, to be abused at pleasure, by any combination of persons who might assemble and call themselves a court martial. The protection of the act cannot be extended to a court, acting without warrant or authority, nor to the acts of a court martial, legally constituted that should transcend its

power. The sentence of the court, on which in this case the defendants rested their cause, was free from exception on any of these grounds, and therefore they were protected by it, and might safely have relied on this section alone, had it been necessary to avail themselves of it. 3 Serg & Rawl. 188, 197.

Although the act of 1814 has been repealed and supplied by the existing militia law, (ch. 5078,) which contains similar provisions in its 51st and 52d, as well as in the 55th sections, respecting writs of *certiorari* and *habeas corpus*, the importance of the case as applicable to the existing law, will it is presumed, justify the insertion of the foregoing extract in this place. See ch. 5078, and notes thereto.

CHAPTER 4339.

An act to authorise the governor to incorporate a company for erecting a bridge over the river Susquehanna at the village of Meansville, the seat of justice in the county of Bradford.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 100 dollars. Notice to be given of opening books. Books to be closed when 400 subscribed. Ten dollars a share to be paid on subscribing. 2. When 100 shares subscribed by 20 persons, letters patent may issue. Corporate name to be "The President, Managers and Company for erecting a bridge over the Susquehanna river at the village at Meansville." Usual corporate privileges. Company not to issue bank notes or do business in the nature of banking. Bridge to be commenced in five and completed in ten years. 3. Proceedings to organize the company. A president, six managers and treasurer to be chosen for one year. Company may make by-laws, &c. and in general have like privileges and be subject to like restrictions as the Nescopeck bridge company.]

Passed 3d March, 1817.—Recorded in Law Book No. XVI. p. 112.

CHAPTER 4340.

An act to authorise the governor to furnish certain brigade inspectors with arms.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor is hereby authorised to furnish the several brigade inspectors in the city of Philadelphia and the several counties within the state, with a sufficient number of arms for the use of volunteer companies (provided they are not already supplied,) and the said arms shall be delivered into the care and charge of the brigade inspectors of the city and each county, who shall give receipts for the

Governor to furnish arms to volunteers.

Receipts.

1817. same; and it shall be the duty of the brigade inspector in each
 ~~~~~ brigade, to deliver the said arms to the company officers of the several  
 Duty of Bri- ral volunteer companies within his brigade, in proportion to the number of men in each company; and the company officers of each volunteer company shall give duplicate receipts for the arms to him delivered, to the brigade inspector, declaring themselves responsible therefor, and that they shall be kept in good order; and the several company officers who shall receive arms as aforesaid, shall provide a proper place within the bounds of their companies for depositing and safe keeping the arms of their companies: and it shall be the duty of the respective brigade inspectors to deliver one of the receipts given by the company officers as aforesaid, to the adjutant general, who shall cause the same to be filed in his office: and the commanding officers of such volunteer companies who shall receive arms as aforesaid, shall also be responsible for the safe return of such arms whenever required by the governor, in good condition, reasonable wear and use and unavoidable accidents accepted: *Provided*, That nothing herein contained shall authorise the distribution of any arms received from the United States as part of quota of this state: *And provided also*, That not more than three hundred stand of arms shall be furnished to any one brigade.

Duty of Brigade insp:

To take duplicate receipts.

Officer to provide place of safe keeping.

Receipt to be sent to adjt. genl.

Passed 3d March, 1817.—Recorded in Law Book No. XVI. p. 114.

NOTE.—See act for the regulation of the militia, (ch. 5078.)

## CHAPTER 4341.

[Vol. 5, p. 81.]

An act to repeal an act entitled “An act to amend the penal laws.”

Larceny of notes to be punished as larceny of chattels.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That an act entitled “An act to amend the penal laws,” passed the thirtieth day of January, in the year one thousand eight hundred and ten, be, and the same is hereby repealed, and that the robbery or larceny of any promissory note or notes for the payment of money, shall be punished in the same manner as the robbery or larceny of any goods or chattels.

Passed 10th March, 1817.—Recorded in Law Book No. XVI. p. 115.

NOTE.—See vol. 5, p. 81, in notes for a history of the original law, which was erroneously attributed to the decision of the Supreme Court, in the case of the Commonwealth *v* Boyer. 1 Bin. 201. The cause of the law is no doubt correctly explained in the notes, by a reference to the decision of President Henry at York, viz that an indictment would not lie for stealing a note of the Bank of Baltimore. By the above act it was declared, that the robbery or larceny of notes of any incorporated bank, shall be punished as larceny of goods and chattels.

In the case of the Commonwealth *v* Evi Spangler, 3 Bin. 533, the defendant

was convicted in the Q. S. of Dauphin county, on an indictment for stealing, “three promissory notes, each for the payment of five dollars of the value of five dollars, and a promissory note for the payment of money, viz. a bank note for the payment of ten dollars, the property of William Graydon.” The record of conviction was removed by writ of error. On the part of the defendant, it was contended:

1. That the indictment wanted certainty, as to the thing whereof the offence was committed, viz. that it did not point out the bank which issued the notes.

2. That it did not appear on the indictment

ment that the notes were issued by an incorporated bank.

The court did not expressly determine the first point, whether the indictment might not be supported, if the case rested entirely on the 5th sect. of the act of 1790, (vol. 2, p. 533.) The chief justice observed, it was not certain whether the legislature considered bank notes as included in the terms "promissory notes for the payment of money," in that act. The description was more precise than if the subject matter had been a piece of linen or a bay horse, stating the price and value which would unquestionably be good.

It is perfectly clear, that the crimes must be stated, so that the court should be at no loss or difficulty, when called to pronounce sentence on conviction. It must be laid in the words of the act of assembly, creating the offence, or at least in language plainly equipolent. Nothing can be taken by inditement. On this point, the court did not consider it necessary to give a decided opinion.

Bank notes are mere *choses* in action, at common law, larceny could not be committed of them. By the act of 1790, it is provided, that robbery or larceny of promissory notes for the payment of money, shall be punished in the same manner as robbery or larceny of any goods or chattels. The provision has undergone some modification, from the words used in the act of 1810, (vol. 5, p. 81,) by which the robbery or larceny of any bank note of any *incorporated* bank, should be punishable in the same manner as the robbery or larceny of any goods or chattels of equal amount.

It was the object of the legislature to suppress all unincorporated banks; they therefore declared it *unlawful* for any such association to make or issue bills, notes, &c. (vol. 5, p. 108,) [repealed and supplied, (ch. 3903,)] and consequently to withdraw from them the protection afforded by the act of 1790, (vol. 3, p. 533.) Notes of unincorporated banks have no value or validity at law; no suit can be maintained on them,\* of course they cannot be the subject of larceny. For although bank notes may be "promissory notes for the payment of money," within the act of 1790, yet that act cannot be construed to afford protection to notes unlawfully issued and unlawfully received. That being the case, it is necessary that an indictment for stealing bank notes, should either aver in general, that they were issued by a bank incorporated by law, or shew in some sufficient manner, that the notes were lawful. If this is not done, it cannot appear to the court that an offence has been committed. Inasmuch therefore, as this indictment is for stealing *bank notes*, and does not shew

that they were lawful, the judgment of the Q. S. was considered erroneous and reversed. 3 Bin. 333.

By the 21st section of the act regulating banks, (ch. 3903,) the act (vol. 5, p. 108,) by which unincorporated banks were prohibited issuing notes, &c. was repealed and supplied. By the 13th section of the former, the notes of such banks were declared void and irrecoverable in any court. By the act, (ch. 4378,) no incorporated body association, or individual, unless expressly established for the purpose of banking, shall make issue, &c. any promissory note under certain penalties. The same act also repeats so much of the act, (ch. 3903,) as declares the notes of unincorporated banks, irrecoverable by reason of them having been issued contrary to law, and gives a remedy to the holder, as if the same had been legally made. The notes therefore, of unincorporated banks, are prohibited and declared illegal, but at the same time, a remedy is given against the association, or person issuing them, and the contract enforced. Under the express provisions of the act in the text, it is to be presumed, that the notes of unincorporated banks, may be the subject of larceny, notwithstanding the principle laid down in the case of *Anthony's executors v. Coulton*, 4 Dall. 298, *Mitchell v. Smith*, ib. 269, and *Commonwealth v. Spangler*, 3 Bin. 333, viz. that the courts will not be instrumental in enforcing the execution of any illegal contracts. The act (ch. 4378,) gives the same remedy as if the notes had been legally issued.

On an indictment for stealing a bank note, &c. evidence of the contents may be given, without shewing a notice to the defendant to produce the original at the trial 1 Bin. 273.

Under the act of 1790, (vol. 3, p. 533) which declares that the larceny of *bills* obligatory, shall be punished in the same manner as larceny of goods, &c. the taking of *one bill* obligatory, is punishable as a larceny. (Ib.)

In indictment for stealing two ten dollar notes *of the president, directors and company of the bank of the U. S.* is not sufficient. The expression a note of bank is too general, by no means positively importing, that it is a note by which that bank promised to pay money. The indictment should either aver, in the words of the act of assembly, that the notes stolen were *promissory notes for the payment of money*, or give such a description as prove them incontestably to have been such without conjecture, or reference to facts not stated in the indictment.

The court considered it unnecessary to decide the second point made in the

\* Altered, see ch. 4378.

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case, but desired by no means to have it understood, that they thought the indictment bad, because the notes were described as the *goods and chattels* of J. D. were they otherwise technically described. It would be more correct to lay them as the property of the person from whom stolen. 1 Bin. 201.

It should be averred also, that the money was unpaid on them. 4 Serg. and Rawle, 194.

An indictment charging that the defendant feloniously stole, &c. sundry promissory notes, for the payment of money of the value of 80 dollars, of the goods and chattels of A. M. is too vague and uncertain. The notes should have been more particularly described, and that the money was unpaid on them. 4 Serg. and Rawle, 194.

Although the act of 1810, [repealed and supplied, ch. 3902, 4378,] makes it unlawful to offer, or accept in payment, notes issued by any unincorporated bank, knowing, &c., it does not apply to notes, issued by banks which were incorporated when the notes were issued. Notwithstanding the expiration of the charter of the late bank of the U. S. it is still an indictable offence, to pass a counterfeit note of that bank, knowing, &c.; and any forged note, counterfeiting a genuine note of that bank, issued during the existence of its corporate powers, is a counterfeit note of that bank. 4 Bin. 418.

The punishment of robbery, or being accessory thereto, before the fact is for the first offence, forfeiture of lands and goods, and servitude not exceeding ten

years, (vol 2, p. 531,) to which restitution of the goods stolen is added. (vol. 3, p. 41.) On conviction for a second offence, imprisonment at hard labour for life, (vol. 3, p. 187. See also vol. 2, p. 577, in notes.)

To constitute a robbery, there must be a felonious taking of property from the person by force, either actual or constructive; but if force be used, it is not essential that the prosecutor should be aware or afraid of the taking. Hence, when the persons took the prosecutor by the cravat, with an intention to steal his watch, and also pressed his breast against the prosecutor's, and held him against a wall, during which time he took the prosecutor's watch from his fob, without his knowledge, and without his suspecting any intention of felony, this was held to be robbery. 4 Bin. 379. (See vol. 2, p. 577, in notes.)

The punishment of larceny of property to the value of 20 shillings, or being accessory thereto, before the fact, is (by act vol. 2, p. 532,) servitude not exceeding three years, restitution of stolen goods, and by act, (vol. 4, p. 334,) forfeiture not exceeding the value. If the offence is petit larceny, viz. of goods under the value of 20 shillings, punishment the same, except that the servitude is not to exceed a year. (Vol. 2, p. 532. See also notes, p. 578.)

Horse stealing is an aggravated species of larceny, for which there are special provisions, see vol. 1, p. 273, 500, and vol. 2, p. 532. See also ch. 4809 and 4976, and notes thereto. As to bail in criminal cases generally, see ch. 4367.

## CHAPTER 4342.

An act for the better regulation of cord wood and bark exposed to sale within the city and county of Philadelphia.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the standard dimensions of a cord of wood or bark for fuel, exposed to sale within the city and county of Philadelphia, shall be eight feet in length, four feet in breadth, and four feet in height, containing one hundred and twenty eight feet, solid measure; but if it shall so happen, before the first day of September next, that any wood brought to market shall be under the average length of four feet, including one half the kerf, the deficiency shall be made up in the breadth or height.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of September next, all cord wood brought to market within the city and county of Philadelphia, shall be at least four feet in length, including one half the kerf, and the cord shall be computed at the rate of eight feet in length, four feet

Standard of  
wood.

Manner of  
cording.

in breadth and four feet in height, well stowed and packed, the straight wood shall be placed or caused to be placed by all venders of cord wood compactly in the lower part of the pile, and the crooked wood in the upper part thereof, and a reasonable and fair allowance shall be made by all corders or venders of wood for the loss sustained by crooked and uneven wood; nor shall any corder of wood purchase any wood for the purpose of selling the same again, by which sale he may derive a compensation or profit and the same is hereby declared to be unlawful. 1817.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the first day of September next if any person shall expose to sale within the city and county of Philadelphia any wood less than four feet in length, it shall be liable to be seized by any corder of wood and forfeited, one half to the use of the said corder, and the other to the guardians of the poor of the city, district or township in which it shall be seized; but in case the person exposing the wood for sale, shall deem himself aggrieved thereby, he may appeal to any alderman or justice of the peace of the city, district or township in which the seizure is made, who shall hear, try and determine the same: and if any person shall, within the said limits, sell as a cord of wood or bark, for fuel, any quantity less than the standard measure prescribed by this act, unless the same shall have been previously measured by a corder, and is sold without any change since such measurement, he shall forfeit and pay the sum of ten dollars; and if any corder shall refuse or neglect to perform the duties enjoined on him by this act, he shall for every such offence forfeit and pay the sum of ten dollars; and if any corder shall purchase any wood for the purpose of selling it again, he shall forfeit and pay the sum of one hundred dollars, which several penalties and forfeitures may be recovered as debts of a similar amount are by law recoverable before any alderman or justice of the peace within the city, district or township in which the offence shall have been committed, and shall be one half for the use of the person prosecuting for them, and the other for the guardians of the poor of the said city, district and township.

Penalty exposing wood for sale, not of sufficient length.  
Appropriation.  
Appeals.  
Not to be sold without being measured.  
Penalty.  
Corder not to purchase.  
Penalty.  
Appropriation.

Passed 10th March, 1817.—Recorded in Law Book No. XVI. p. 115.

NOTE.—For a general reference to the laws respecting the city of Philadelphia, see ch. 4877.

## CHAPTER 4843.

An act authorising the election of constables in the boroughs of M'Connellsburg, Indiana and Williamsport.

SECT. 1. [THE electors of M'Connellsburg [incorp. ch. 3928,] shall annually at the house now occupied by Mary Scott on the day appointed for the election of constables, elect two citizens and return their names to the Q. S. one of whom to be appointed with like power and authority &c. contained in the existing laws concerning constables. 2. Election of Indiana [incor. ch. 4201] annually on same day at the court house, elect two citizens and return

1817. their names in like manner subject to like regulations. 3. Election of Williamsport [incor vol. 4, p. 286,] annually on same day at the court house, elect two citizens, and return their names in like manner, &c. 4. The high constables of the borough above mentioned required to give notice, &c. and to hold the first election.]

Passed 10th March, 1817.—Recorded in Law Book No. XVI. p. 116.

NOTE.—See ch. 4893, regulating constables, and notes thereto. Number of inhabitants in Indiana by U. S. census of 1820, 317; in McConnellsburg 624.

## CHAPTER 4344.

[Vol. 4, p. 208.] A supplement to an "Act directing the mode of filling vacancies in the representation of this state in the house of representatives of the United States."

**SECT. 1.** *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That in all cases where a writ of election shall be issued by the governor to supply a vacancy in the representation from this state in the house of representatives of the United States, if such writ shall be issued during the recess of congress, or when the same shall not be required to meet before the next succeeding general election of this state, the governor shall direct the said election to be held at the time and place appointed for holding the general elections; and it shall be held and conducted by the judges, inspectors and clerks of the general election, in the same manner, and subject to all the rules, regulations and penalties that are or shall be provided by law for regulating the general elections: *Provided always,* That if, after issuing such writ, the congress shall be required to meet before the said general election, the governor may issue a writ for a special election to fill such vacancy, in the manner prescribed by the act to which this is a supplement.

Passed 10th March 1817.—Recorded in Law Book No. XVI. p. 117.

NOTE.—By the constitution of the U. S. art. I, sect. 2, no person shall be a representative, who shall not have attained to the age of 25, and been seven years a citizen of the U. S. and who shall not when elected, be an inhabitant of that state in which he shall be chosen.

See act to provide for the election of representatives in congress (vol. 5. p. 330.) See also vol. 4, p. 102, of the returns where the district is composed of more than one county. Act (vol. 5, p. 330) for the election of members in pursuance of the apportionment by act of congress of the 21st Dec. 1811, viz. of one representative for every 35,000 persons according to the rule prescribed by the 1st section of

the 1st article of the constitution. The state of Pennsylvania was to elect, on the number of 810,091, according to the census of 1810, twenty three representatives, in districts as provided by the last mentioned act.

No member of congress from this state shall at the same time hold the office of justice of the peace, mayor, recorder, burgess or alderman of any city, corporate town, or borough, resident physician of the lazaretto, constable, judge, inspector or clerk of election, (vol. 3, p. 485,) or of clerk of the Q. S., Orphans Court, or deputy surveyor, (vol. 5, p. 309.)

## CHAPTER 4345.

1817.

A supplement to an act entitled "An act to provide for the erection of two arsenals."

[Ch. 4221.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the Arsenal at Meadville, shall be covered with good and substantial sheet iron, well painted with oil and white lead, instead of slate or tile; and that the accountant officers be, and they are hereby authorised to allow the contractor for building the said arsenal such sum as may be necessary to meet any additional expense which may be hereby created.

Arsenal at Meadville to be covered with sheet iron.

Passed 10th March 1817.—Recorded in Law Book No. XVI. p. 118.

NOTE.—See ch. 4221 and notes thereto.

## CHAPTER 4346.

An act to provide for the more equal distribution of the laws of this commonwealth.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That as soon as the pamphlet laws of this commonwealth shall have been delivered into the office of the secretary of the commonwealth, he shall cause the same to be distributed in the manner following, that is to say, Ten copies to the clerk of the senate for the use of the senate; thirty copies to the clerk of the house of representatives for the use of the house of representatives; to the governor one copy; to each member of the legislature one copy; to the prothonotary of each district of the Supreme Court one copy; to the attorney general one copy; to each of the judges of the Supreme Court one copy; to the secretary of the land office, surveyor and auditor general, and state treasurer, one copy each; to the president judge of each judicial district of the Court of Common Pleas one copy; to the clerk of the Mayor's Court of the city of Philadelphia twenty copies, one thereof to be delivered to the mayor, one to the recorder, and one to each of the aldermen of said city; to the clerk of the Mayor's Court of the city of Pittsburg seventeen copies, one thereof to be delivered to the mayor, one to the recorder, and one to each of the aldermen of said city; to the prothonotary of the District Court of the city and county of Philadelphia five copies, one thereof to be delivered to each of the judges of said court; and to the prothonotary of the Court of Common Pleas of each county that now is or may hereafter be erected, such number of copies as shall be equal to the whole number of persons in such county entitled to the same as hereinafter mentioned, together with an addition of ten per cent. to remain in his office for the purpose of future distribution as occasion may require.

Secretary to distribute.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerks of the Mayors' Court and prothonotaries respectively, as soon as the said laws shall have been

Duty of clerks and prothonotaries.

1817. received, to give notice thereof in the newspapers, or otherwise, that the same are ready for delivery.

Prothonotaries to distribute.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the respective counties shall distribute the said laws in the following manner, that is to say, One copy to the clerks of the different courts, and the register and recorder (if the offices are divided,) one to each of the associate judges, one to the board of commissioners, and one copy to each justice of the peace, sheriff, and deputy surveyor: *Provided,* That before any such prothonotary shall deliver any copy as aforesaid, he shall take a receipt in a book to be kept for that purpose, from the person receiving the same, enjoining it upon such person to deliver the same to his successor in office.

How surplus to be distributed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if after the apportionment of the laws as aforesaid, any number of copies should remain, the secretary of the commonwealth shall cause to be distributed such remaining copies to the several prothonotaries aforesaid, in proportion to the population of the respective counties; and such prothonotaries are hereby required to distribute such copies among so many of the constables of wards, districts and townships as the same will supply, in such manner and for such purposes as is directed in an act passed the sixth of April, eighteen hundred and two.\*

Ch. 2286. Vol. 3, in table of obsolete, &c. laws

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotary of each county, to forward to the secretary of this commonwealth, on or before the first day of June next, and every three years thereafter, the number of persons who are entitled by this act to receive the pamphlet laws, together with the number of election districts in his county.

Repeal of act ch. 2286.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the act entitled "An act to provide for the distribution of the laws and journals of the general assembly of this commonwealth," passed the sixth day of April, eighteen hundred and two, and so much of any other law as is hereby altered or supplied, be, and the same is hereby repealed.

Passed 10th March, 1817.—Recorded in Law Book No. XVI. p. 118.

NOTE.—By resolution 26th March 1814, the prothonotaries distributing Smith's edition of the laws, required to take receipts from the justices and judges with a clause, engaging to deliver the copies to their successors.

The secretary of the commonwealth to deliver to the state treasurer, auditor general, surveyor general, and secretary of land office, to the clerks of the Mayors' Court of Philadelphia and Pittsburg one copy of the new edition of the laws of the U. S. for the use of their offices, (ch. 4354.)

The secretary of the commonwealth required to deliver, when demanded to the secretary of "The American Antiquarian

Society," of Worcester in Massachusetts, one copy of the laws and journals of this commonwealth, so far as the same can be obtained free of any charge, (ch. 4579.)

The governor to transmit to the executive of each state and territory three copies of the laws of each session and to solicit a like interchange, (ch. 4603.)

The secretary of the commonwealth required to transmit one copy of the laws and journals to each member of succeeding legislatures, (ib.)

As soon as the laws of each session are deposited in his office, sufficient to form an octavo sheet, he is required to prepare the same for the press, affix marginal notes, and cause the same to be

\* See this section at length in the appendix to this volume.



printed, to collate the proof sheets, with the original roll, and to cause to be delivered to the clerks of the senate and H. R. four copies for the use of each, (ch. 4633)

Within one month after the close of each session, he shall make and index, and when all is completed, to distribute as the law directs. To contract for printing 14 copies of the laws additional to the number required by law, (ib.) See vol. 5, p. 397, in the appendix.

By act 23d March 1819, (ch. 4719,) the secretary of the commonwealth to contract for printing 3000 copies of the three succeeding sessions of the legislature, to be delivered at his office, within 40 days after the close of each session.

By resolution 5th March 1819, the secretary of the commonwealth directed to furnish each member of that and every subsequent legislature, who have not received the same, one copy of the pamphlet edition of the laws.

By resolution 23d March 1819, the secretary to transmit to the Athenæum, at Philadelphia, a copy of the pamphlet laws and journals of the legislature annually

By resolution of the 27th March 1819, the secretary is directed to present a copy of the laws of each session to the judges and clerks of the District Courts of the U. S. for the district of Pennsylvania.

By resolution of the same date the printers of the journals shall engage to deliver them within 40 days after the session—the clerks of the two houses to complete the indexes in time to enable the printer to perform the engagements; journals to be transmitted with the laws within three weeks after they are delivered at his office.

By resolution 18th January 1820, the secretary of the commonwealth required to furnish each justice and alderman who have not received them, with one copy of Bioren's or Smith's edition, and one of Purdon's digest for their successors.

By resolution of the 6th March 1820, the clerk of the respective houses to procure two copies of the journals of each

from the earliest sessions, and have the same durably bound, and place one copy in the state library, and the other in the office of the secretary of the commonwealth subject to like restrictions

The governor to contract with John Bioren for 1350 copies of the laws passed since 31st March 1812, the session of 1820—21 included, to correspond with Smith's edition, with a general index and in all other respects to be edited on the same plan, prefixing the title of all repealed, expired or obsolete laws, giving abstracts of private acts, and acts of incorporation, and noting the decision of the Supreme Court of Pennsylvania, or the Courts of the U. S. which have been given on the constitution thereof, at \$2.25, to be paid when delivered at the office of the secretary of the commonwealth. The governor to appoint the editor of the former edition, or in case he declines, some other person of legal knowledge to superintend the publication, arrange the laws, prepare the abstracts and indexes, and insert the judicial decisions. To be paid such compensation as the legislature may think proper when work completed but no money to be paid until work approved by judges of the Supreme Court, (ch. 4942)

The secretary of the commonwealth required to supply the governor, the late governor, judges of the Supreme court, President of the C. P., judges of the District Court of Philadelphia, recorder of Philadelphia and Pittsburg, secretary of the commonwealth, auditor general, surveyor general, state treasurer, secretary of the land office, for the use of their respective offices one copy of Robert's edition of the British stat. Resolution 22d Dec. 1817.

See act of 6th April 1802, (vol. 5, p. 399,) in appendix Act providing for the distribution of the laws and journals which was omitted in the body of the former edition, said to be then in force except as to the distribution of the journals.

See vol. 3, p. 80, 97, 286, vol. 4, p. 352, 462.

## CHAPTER 4347.

A further supplement to the act entitled, "An act for the appointment and regulation of constables in the township of the Northern Liberties, in the county of Philadelphia." [Vol. 3, p. 305.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the additional constables to be elected in the township of the Northern Liberties, in the county of Philadelphia, by the supplement to the act to which this is a further supplement, shall hereafter be Time of election altered.

1817. elected on the Friday immediately preceding the third Saturday in the month of March in each and every year: and so much of the said supplement, passed on the fifth day of March, eighteen hundred and sixteen, as is hereby altered or supplied, be, and the same is hereby repealed.

Passed 10th March, 1817.—Recorded in Law Book No. XVI. p. 120.

NOTE.—See ch. 4196 and 4893, and notes thereto.

## CHAPTER 4349.

[Ch. 3933.] A supplement to "An act regulating the mode of charging interest on land in certain cases, and for other purposes."

Warrants  
may issue  
for lands in  
purchase of  
1784.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of September next, it shall be lawful for the secretary of the land office to issue warrants for any vacant and unappropriated lands within the limits of the purchase made of the Indians in the year one thousand seven hundred and eighty-four, and lying east of the Allegheny river and Conewango creek, either improved or unimproved, at the rate of twenty-six dollars and sixty-six cents for every hundred acres.

Evidence of  
the time of  
improving  
the land.

SECT. 2 *And be it further enacted by the authority aforesaid,* That before any warrant shall issue for lands within the limits aforesaid, the person in whose name or for whose use such warrant is applied for, shall, in addition to the proof already required by law, prove, by a disinterested witness, whether the said lands are improved or unimproved, and if improved the date when such improvement was commenced, that interest may be charged accordingly; which proof shall be taken, on oath or affirmation, before two justices of the peace of the county in which the lands applied for are situated.

Repeal of  
acts.

Vol 3, p. 70.  
4, p. 193.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of the act of the third of April, one thousand seven hundred and ninety-two, as reduces the price of lands to five pounds for every hundred acres, as also so much of the act of the twenty-second September, one thousand seven hundred and ninety-four, as requires a settlement, residence and raising of grain, be, and the same are hereby repealed, so far as respects lands within the limits aforesaid: *Provided,* That nothing herein contained shall impair the right of any person who may have settled on vacant land previously to the first day of September next.

Passed 10th March, 1817.—Recorded in Law Book No. XVI p. 121.

NOTE.—See notes at vol. 2, p. 203, and ch. 4795, and notes thereto.

## CHAPTER 4351.

[Incor. vol.  
4, p. 487.]

An act to increase the number of constables in the borough of Harrisburg.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That

from and after the passing of this act, the electors qualified to vote for members of the general assembly, residing within the borough of Harrisburg, shall hereafter, annually, on the third Friday in March, elect six suitable persons for the office of constable, and make a regular return of such election to the Court of Quarter Sessions of Dauphin county, and the said court shall appoint three of the persons so elected, to serve as constables for said borough, conformably to law.

Passed 10th March, 1817.—Recorded in Law Book No. XVI. p. 122.

NOTE.—See ch. 4283 and notes thereto.

## CHAPTER 4355.

An act to enable the commissioners of the district of Southwark, in the county of Philadelphia, to vacate part of Carpenter's street in said district.

WHEREAS it has been represented to the legislature, that it is expedient to vacate part of Carpenter's street in the district of Southwark, and county of Philadelphia; and that the same cannot be effected without an act of the General Assembly authorising it to be done: Therefore,

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the board of commissioners of the district of Southwark, for the time being, are hereby authorised to review and vacate so much of a certain street therein called "Carpenter's street," laid out by the commissioners appointed in and by virtue of a certain act of the General Assembly, passed the twenty-ninth day of September, one thousand seven hundred and eighty-seven, entitled "An act to appoint commissioners to regulate the streets, lanes and alleys in the district of Southwark, and to lay out new streets, lanes and alleys therein for the accommodation of the inhabitants, and to lay out the roads therein mentioned, through the said district, and parts of the townships of Moyamensing and Passyunk," as lies between Third street and Church street or alley.

Board to view  
and vacate  
part of Car-  
penter street.

Vol. 2, p. 435.

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 124.

NOTE.—For a general reference to the laws on this subject see vol. 2, p. 435, and ch. 3765, and district of Southwark generally.

## CHAPTER 4356.

An act to continue the District Court for the city and county of Philadelphia.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to provide for the erection of an additional court within the city and county of Philadelphia," passed on the thirtieth day of March, one thousand eight hundred and eleven, and the supplement to the said act, passed on the third day of March,

Acts vol. 5,  
p. 223, 300,  
and part of  
act ch. 3859,  
continued 4  
years from  
30th March.

1817.

one thousand eight hundred and twelve, and the first and third sections of one other supplement thereto, passed on the ninth day of March, one thousand eight hundred and fourteen, shall be, and the same are hereby continued in force for and during the term of four years from and after the thirtieth day of March instant; and after the said day the said court shall consist of the same number of judges and associate judges as heretofore, who shall severally receive the same compensation they did receive previous to the passage of this act, payable as is therein provided; and all actions, matters and things depending in the said court, shall remain, continue and be proceeded in, and all process shall issue and be returnable, and shall have the same effect in law as if there had been no limitation to the original act; and the governor may commission the said judges on or before the thirty-first day of March instant.

Actions, &c.  
not to be af-  
fected by lim-  
itation of  
original act.

SECT. 2. *And be it further enacted by the authority aforesaid,* That immediately after the passing of this act there shall be a prothonotary appointed for the said court, who shall perform the usual duties of a prothonotary, and shall be entitled to receive the like fees as other prothonotaries are entitled by law to receive for similar services, and be subject to the like account to the Commonwealth, and shall give the like security as the prothonotary of the Court of Common Pleas of the city and county of Philadelphia is directed by law to give for the due performance of the duties of his office; and the said prothonotary shall account to the prothonotary of the Court of Common Pleas, for all fees which may be received by him for services performed, or which shall have accrued prior to his appointment to said office, and pay over the same to him; and the prothonotary of the Court of Common Pleas shall, in his settlements with the accounting department bring such fees, when received by him into his accounts.

Prothonotary  
to be appoint-  
ed.

To account  
to prothono-  
tary of C. P.  
for fees.

Power of  
judges.

Vol. 2, p. 275

SECT. 3. *And be it further enacted by the authority aforesaid,* That the judges of the district court shall severally have the power and it shall be their duty to issue writs of *habeas corpus*, either in term time or vacation, and give relief thereupon, in the same manner and as fully as the president of any Court of Common Pleas in this Commonwealth at present may or can do, by virtue of an act of Assembly, entitled "An act for the better securing personal liberty and preventing wrongful imprisonments."

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 125.

NOTE.—This court was erected on the March 1817, and by act (ch. 4948) it was 30th March 1811, to continue six years, further continued 4 years from 30th (Vol. 5, p. 223) By the act in the text March, 1821.  
the court was continued 4 years from 30th See ch. 3859, 4948 and notes thereto.

## CHAPTER 4357.

[Sup. ch.  
4563, 4833.]

An act to improve the navigation of the river Delaware.

Commission-  
ers.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Jacob Mixsell, of the borough of Easton, and Lewis S. Coryell and colonel John Kinsey, of the county of Bucks, be, and they are here-

by appointed commissioners, who shall have power, and it shall be their duty to cause to be removed all obstructions which impede or injure the navigation of the river Delaware, and to commence at the head of the "foul rift" in Northampton county, to the falls at the Trenton Delaware bridge, and for that purpose to employ suitable persons to perform the said work. 1817.  
~~~~~  
Where improvements.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the sum of ten thousand dollars is hereby appropriated to defray the expenses of removing the said obstructions; and when the said commissioners shall have given bond, with sufficient sureties, to the governor, for the faithful application of the said sum, he shall on or before the first Monday in May next, draw his warrant on the state treasurer in favour of said commissioners, for the sum of five thousand dollars, and as soon as the said commissioners shall have expended the said sum of five thousand dollars, William Erwin, of Bucks county, and William Barnet, of Northampton county shall view the several places whereon the said five thousand dollars have been expended, who are hereby appointed commissioners for that purpose, and if in their opinion the monies have been judiciously expended, they shall, under their hands, make a report to the governor, and in case the report shall be favourable (and not otherwise) he shall draw his warrant for the further sum of five thousand dollars, in favor of said commissioners, for the same purpose, on or at any time after the first Monday of May, one thousand eight hundred and eighteen; and as soon as may be after the expenditure of the last mentioned five thousand dollars, the same proceedings shall be had by the commissioners hereby appointed to view the work done, and the expenditure of the money, as is provided in the preceding part of this section; and the commissioners appointed by this act to expend the aforesaid appropriation, shall not be released from the penalty in the bond mentioned, until a favourable report shall be made to the governor agreeably to the provisions in this act contained, and until the objects of this act shall be completed; the said commissioners shall annually, in the month of December, furnish, on oath or affirmation, to the accountant officers of this commonwealth, a particular statement and account of all expenditures, who are hereby authorised and required to settle the same in the usual manner.* \$10,000 appropriated.

Bond to be given.
\$5000 to be drawn.
Commissioners to inspect and report if favourable.

\$5,000 to be drawn.
To report again.

Not to be released from bond till a favourable report and the object completed.

Annual accounts.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in case of the death, resignation, inability or refusal to serve of either or any of the said commissioners, the governor is hereby authorised to appoint another commissioner or commissioners in his or their stead, who shall give the same security, perform the same services, and receive the same compensation as the commissioners named in this act. Vacancies.

SECT. 4. [Repealed, and compensation to be three dollars per day, ch. 4563.]

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 126.

NOTE.—See ch. 4985, sec. 7, and notes dollars, for the improvement of certain thereto, for the appropriation of 10,000 parts of the Delaware. For a general re-

* Commissioners required to pay the viewers three dollars per day, (ch. 4833.)

1817.

ference to acts and resolutions, improving the navigation and removing the obstructions in the Delaware, see ch. 4777. Acts regulating the fisheries, See ch. 4727, 4872.

CHAPTER 4358.

An act for the purpose of improving the navigation of the Susquehanna river.

WHEREAS the improvement of the navigation of the Susquehanna river, is an object of importance to the public at large, and with the view of commencing a system of such improvement :

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the sum of three thousand dollars be, and the same is hereby appropriated for the purpose of opening and amending the navigation of that part of the Susquehanna river situate between the towns of Northumberland and Columbia, commencing at Northumberland, to be paid out of the treasury in the usual manner.

SECT. 2. *And be it further enacted by the authority aforesaid, That* the governor is hereby authorised and required, as soon as may be conveniently done, to appoint one skilful, judicious citizen as an agent to lay out the money hereby appropriated ; and who, previously to his entering upon the duties assigned him by virtue of this act, shall enter into bonds to the commonwealth in the amount of six thousand dollars, with approved security, conditioned for the faithful discharge of the same ; and the said agent shall be required to lay out the money hereby granted, in the manner best conducive to the object of this act, and shall make, or cause to be made, in or near the present course kept by the craft descending the river, an open, smooth channel, of a width sufficient to admit three or four arks or rafts to pass abreast.

SECT. 3. *And be it further enacted by the authority aforesaid, That* the said agent shall be entitled to receive, as his sole compensation, the sum of two dollars [increased to three, ch. 4563] per day for every day necessarily spent by him in performing his duties as such, he shall not be concerned, directly or indirectly, in his private capacity, in any contract made by virtue of this act ; he shall make, under oath or affirmation, a particular and detailed account of his proceedings in the business to, and shall settle his accounts in the usual manner, with the accountant department of the state ; and the auditor general is hereby required to exhibit a statement thereof to the legislature at its next session after the said accounts shall have been settled.

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 127.

NOTE.—See ch. 4887, and notes thereto. Fisheries, ch. 4403 and 4742.

CHAPTER 4359.

[Vol. 4, p. 67,
see also ch.
4824, and
notes there-
to]

A supplement to the act, entitled “ An act to establish a Board of Wardens for the port of Philadelphia, for the regulation of pilots and pilotages, and for other purposes therein mentioned.”

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly*

met, and it is hereby enacted by the authority of the same, That 1817.
 it shall be the duty of the wardens for the port of Philadelphia, on the application of any person for a license to act as a pilot in the bay or river Delaware, to take to their assistance in the examination of such pilot, two pilots having licenses of the first class; and the person so applying shall pay to the pilots who may assist at such examination, the sum of one dollar each: *Provided*, That from and after the passing of this act, no license to act as a pilot, shall be granted to any person under the age of twenty-one years, nor unless he has served a regular apprenticeship for the terms and in the manner prescribed in the eighteenth section of the act to which this is a supplement: *And provided also*, That this act is not to be construed to deprive persons under the age of twenty-one years, who now have licenses, from enjoying the benefit of the same.

No person to be licensed until examined.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That for and during the term of four years from and after the passing of this act, no vessel employed in and licensed for the coasting trade, of a less burthen than one hundred tons, shall be obliged to receive a pilot, or be subjected to the payment of half pilotage in case of refusal to receive such pilot: *Provided*, That after the expiration of said four years, the exemption of coasting vessels from pilotage, shall be and remain as is provided by the twenty-ninth section of the act to which this is a supplement.

Coasters of certain burthen not to receive a pilot.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the master of any ship or vessel neglecting to make report to the master warden, agreeably to the twenty-ninth section of the act to which this is a supplement, shall forfeit and pay the sum of ten dollars and no more.

Penalty on master neglecting to report.
See ch. 4824.

SECT. 4. *And be it further enacted by the authority aforesaid*, That on satisfactory proof being made to the wardens, on oath or affirmation, (which oath or affirmation the master warden is hereby authorised to administer) that any pilot, whilst having charge of a ship or vessel, was intoxicated with drink, it shall be the duty of the said wardens to suspend such pilot for any term not less than one year, and in case of such suspension, the pilot shall deliver to the wardens his license, to be by them kept till the time for which he may have been suspended shall have expired: and if any pilot, who may have been suspended for the reason aforesaid, shall, by satisfactory proof being made to the wardens, in the manner aforesaid, be convicted of being a second time intoxicated with drink whilst having charge of any ship or vessel, such pilot shall be deprived of his license, and be for ever thereafter incapable of acting as a pilot for the bay and river Delaware: *Provided*, That nothing herein contained shall be construed so as to prevent the owner or consignee of any ship or vessel, or any other person or persons, from recovering in any court having jurisdiction of the same, for any loss or damage he, she or they may sustain in consequence of such misconduct on the part of the pilot.

Penalty on pilots for intoxication.

On a second conviction.

SECT. 5. *And be it further enacted by the authority aforesaid*, That for and during the term of four years from and after the passing of this act, and no more; the compensation of pilots for conducting ships or vessels from the city of Philadelphia to the capes of

Compensation.

1817.

Delaware, or from the capes of Delaware to the city of Philadelphia, shall be, for every half foot of water which any inward bound vessel shall draw under and up to twelve feet, one dollar and sixty-seven cents; and for every half foot of water which any such vessel shall draw more than twelve feet, the sum of two dollars and eight cents; and for every half foot of water which any outward bound vessel shall draw under and up to twelve feet, the sum of one dollar twenty-five cents; and for every half foot of water which such vessel shall draw, more than twelve feet, the sum of one dollar and sixty-seven cents: *Provided*, That no pilot shall receive any pilotage for any supernumerary inches under six: *And provided also*, That after the expiration of the four years aforesaid, the pilotage shall be reduced to and be paid at the rate and in the manner provided by the twenty-seventh section of the act to which this is a supplement.

Certificates
may be granted
to act for
six months.

SECT. 6. *And be it further enacted by the authority aforesaid*, That whenever, for the reasons mentioned in the nineteenth section of the act to which this is a supplement, the wardens of the port shall grant certificates to any person to act as pilot for the term of six months, and at the expiration of that time, it shall be made appear to the satisfaction of the said wardens, that any of the persons to whom such certificates are granted, are qualified to act as pilots, it shall be lawful for the wardens to grant them licenses to act as pilots for the bay and river Delaware; and the persons to whom such licenses are granted, shall be entitled to all the privileges and benefits, and subject to the like rules, penalties and forfeitures as other pilots are.

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 128.

NOTE.—See ch. 4824 and notes thereto.

CHAPTER 4361.

[Vol. 4, p.
201.]

A further supplement to an act, to amend the act, entitled "An act directing the mode of selling unseated lands for taxes, and for other purposes."

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That it shall be the duty of the purchaser or purchasers at treasurer's sale, as soon as the property is struck down, to pay the amount of the purchase money, or such part thereof as shall be necessary to pay off the taxes and costs, as also one dollar for the use of the prothonotary for entering the acknowledgment of the deed; and in case the amount is not forthwith paid, after the property is struck down, the sale may be avoided, and the property immediately set up again by the treasurer: and it shall be discretionary with the commissioners of the respective counties, what lands they will purchase in for the use of the county.

SECT. 2. *And be it further enacted by the authority aforesaid*, That so much of the act to which this is a supplement, as is hereby altered and supplied, be, and the same is hereby repealed.

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 130.

NOTE.—See ch. 4123, for a general reference to all the laws on this subject.

CHAPTER 4363.

1817.

An act to authorise the officers of the Land Office to accept returns of surveys and direct patents to issue, where an excess of more than ten per cent. is returned. [Sup. 4667.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the Board of Property be, and they are hereby authorised and required to direct warrants of acceptance and patents to issue on any surveys regularly made or to be made in pursuance of any warrant, location, actual settlement or order of survey, although such survey may contain a greater surplus than ten per cent. beyond the quantity mentioned in such warrant, location or order: *Provided,* That such surplus quantity shall not exceed one hundred acres; and that the party procuring such return to be made, shall forthwith pay into the state treasury the price of such surplus land, with interest, at the same rate at which the said warrant, location or order may have been taken out, except in all cases of warrants taken out at fifty shillings per hundred acres, in which cases the price of such surplus land shall be at the rate of twenty-six dollars and sixty-six cents per hundred acres: *And provided also,* That no acceptance of any survey, shall, in any case, prejudice or affect the right or title of any other person, in or to such surplus land, which may have accrued or commenced by warrant or actual settlement prior to such acceptance.

Warrants of acceptance, &c. to issue on surveys of more than 10 per cent.

Surplus to be paid for.
Rate.

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 132.

NOTE.—See ch. 4139 and 4667, and ascertain the debts due thereon to the notes thereto; also ch. 4856, for act to state.

CHAPTER 4365.

An act for laying out and opening a state road from the north line of Pennsylvania to Meadville.

SECT. 1. [COMMISSIONERS named, to be sworn.]

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners shall, between the first days of April and November next, proceed and lay out a road fifty feet in width, beginning at the north line of Pennsylvania, in the county of Warren, at the point where the road from Angelica, in the state of New York, terminates, and running thence to Meadville, in the county of Crawford; and shall distinctly mark a line to designate the middle of the road, and shall, at the end of each mile, mark on a tree or post on the right hand side of the road, by plain and distinguishable letters and figures, the number of miles, that the distance may be known from one point to the other.

To mark the line.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners shall ascertain the distance the said road runs through the counties of Crawford and Warren, respectively, and note the same on the drafts of the road, of which they shall make three, and mark the courses and distances of the road on them, all of which they shall certify, and send one to the secretary of this

Ascertain distance thro' counties and mark on the draft.

1817. commonwealth, one to the Court of Quarter Sessions of the county of Crawford, and one to the Court of Quarter Sessions of the county of Venango, which shall be delivered to the Court of Quarter Sessions of the county of Warren, when the same shall be organized.

To send draft to Sec. Com. and courts of Q. S.

Expense to be appportioned.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said commissioners shall appportion the expense of viewing, surveying and laying out said road, between the counties of Crawford and Warren, according to the distance it runs in each, and certify the same, with the drafts delivered to the said Courts of Quarter Sessions, which expenses shall be paid, according to the appportionment, out of the treasury of the counties of Crawford and Venango: *Provided, however,* That the provisional county of Warren shall be charged with and account for the same with the county of Venango.

Compensation.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the sum of two dollars per day be allowed to each of the said commissioners, for the time necessarily expended in viewing, surveying and laying out said road, which shall be in full for their services, and a reasonable compensation shall be allowed to chain carriers and axe-men: *Provided,* The same do not exceed one dollar and twenty-five cents per day for each man employed.

Vacancies.

SECT. 6. *And be it further enacted by the authority aforesaid,* That in case of death, resignation, inability or refusal to serve, of all or either of the said commissioners, it shall be the duty of the Court of Quarter Sessions of the county of Crawford to supply any such vacancy, by a person or persons selected from the counties of Crawford and Erie.

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 133.

CHAPTER 4366.

[Vol. 5, p. 160.]

A supplement to "An act to enable the Governor to incorporate a company to make an artificial road from the Blue Ball tavern, on the Downingtown, Ephrata and Harrisburg turnpike, through New Holland to Binkley's bridge, from thence to the borough of Lancaster."

SECT. 1. [THAT if the company shall not within five years after the first of April next, complete the road, rights shall revert to the commonwealth. Proviso in the third section of the act repealed.]

Passed 13th March, 1817.—Recorded in Law Book No. XVI. p. 134.

NOTE.—The style of this company is (vol. 5, p. 160.) "The sum of 5000 dollars to be subscribed (ch. 4985, sect. 63.) "The President, Managers and Company of the New Holland Turnpike Road,"

CHAPTER 4367.

[Ch. 4236.]

A supplement to an act, entitled "An act to incorporate the City of Pittsburg."

Power of mayor's court to issue pro-

SECT. 1. *BE it enacted by the senate and house of representatives, of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the mayor's court of the city

of Pittsburg, shall have full power and authority to issue process on all recognizances forfeited in said court, and to prosecute the same to final judgment and recovery, as effectually as the Courts of Common Pleas may or can do.

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cess on forfeited recognizances.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the aldermen of the said city, and the justices of the peace in the county of Allegheny, shall have full power and authority to do and perform all the duties of justice of the peace, in civil cases, throughout the said county and within the bounds of the said city.

Jurisdiction of aldermen and justices extended.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all costs accruing in criminal cases in the said court, and for which in the Court of Quarter Sessions the county would be liable, shall be paid out of the county treasury.

Costs in criminal cases.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the recorder of the said city shall annually receive, out of the state treasury, the sum of six hundred dollars, to be paid quarterly, as a compensation for his services.

Recorder's salary.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the recorder of the city of Pittsburg shall have power to issue writs of *habeas corpus* in all cases of insolvent debtors, and criminal cases originating in said city, and to give relief thereon in the manner and as fully as the president or any associate judge of a Court of Common Pleas in this commonwealth at present may or can do, by virtue of an act of assembly, entitled "An act for the better securing of personal liberty and preventing wrongful imprisonment," and under the like restrictions and penalties.*

He to issue writs of *habeas corpus*.

Vol. 2, p. 275.

* By art. 1, sect. 9, § 2, constitution U. S. and the 14th sect. of the 9th art. of the constitution of Pennsylvania, it is declared that "the privilege of the writ of *habeas corpus*, shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it."

This writ is termed *habeas corpus ad subjiciendum*, directed to the person detaining another, commanding him to produce the body of the prisoner, with the day and cause of his detention, to submit to whatever the judge or court awarding such writ shall determine. As it regards the citizen, it is a *writ of right*, which he may demand, and is entitled to *ex debito justitiæ*—it is in nature of a writ of error to examine the commitment, or other cause of imprisonment, or restraint, and therefore commands the day, the capture, and cause of detention to be returned.

The statute, 16 Char 2, c. 10, called the *habeas corpus act*, applies only to cases of commitments for such criminal charges, as can produce no great inconvenience to public justice, by the temporary enlargement of the prisoner; all other cases of unjust imprisonment, are left to the *habeas corpus* at common law. The act of this commonwealth entitled "An act for the better securing personal liberty, and preventing wrongful imprisonment, passed the 18th Feb. 1785, (vol. 2, p. 275,) is an improvement of the statute. The first 12 sections of this act, apply only to criminal matters, to prisoners in actual custody of some officer of justice; and a constable is within the act. 3 Yeates, 266. The 13th and 14th sections, which extend the previous sections to all cases where a person is restrained of his liberty, under any colour or pretence, are not to be found in the statute, and are valuable improvements of the rights and liberties of the citizen, but they do not apply to commitments for criminal matters. 1 Bin. 374. 3 Yeates, 266. 3 Bin. 404.

So important, for the preservation of the personal liberty of the citizen, have the legislature considered the provisions of this act, that they are enforced by severe penalties, viz. of 100*l*. for the first, and 200*l*. (with forfeiture of office) for the second offence, on any person, who shall refuse to deliver within six hours after demand, a copy of the warrant or commitment.—Of 300*l*. on the judge, who, on being appealed to, shall on a view of the copy of the warrant, or upon oath that it was denied, refuse, or neglect to award the writ, (vol. 2, p. 277.) The Sup. Court of Pennsylvania have deter-

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 Sheriff not to
 be alderman
 or justice.

SECT. 6. *And be it further enacted by the authority aforesaid,* That from and after the first day of April next, no sheriff within this commonwealth, shall at the same time hold the office of justice of the peace or alderman.

This bill was returned by the Governor to the H. R. in which it originated, with the following objections:

First—The office of alderman is created by law; the officer is commissioned for the purposes defined in the charter of incorporation; his authority is circumscribed by the confines of the borough. It is a matter of great doubt, and merits the reconsideration of the legislature, whether constitutionally by a law of date subsequent to their commissions all the authority vested in justices of the peace, in civil and criminal matters, can be imparted to, and be exercised by such aldermen throughout the county beyond the limits of the jurisdiction which they can claim in virtue of their commissions.

Second—The expediency and necessity of extending as contemplated by the bill, the powers of the aldermen is very questionable. It is not sanctioned by the precedent of any similar provision in the act incorporating the city of Philadelphia, and the want of it has not been there felt.

It afterwards passed both houses by the constitutional majority.

Passed 10th March, 1817.—Recorded in Law Book No. XVI. p. 135.

NOTE.—See act incorporating the city, (ch. 4326, and notes thereto.

By the U. S. census of 1820, the
 number of inhabitants in the
 East ward, was, - - - 2971
 West do. - - - 4277

Total, - - - 7248

Of this number there were engaged
 in manufactures, - - - 833
 Commerce, - - - 134
 Agriculture, - - - 6
 Foreigners not naturalized, - - 168
 Free coloured persons, - - - 285
 No slaves.

Total number of inhabitants in Allegheny county, - - - 34,921

Taxables by state census of 1821, 6969

Resolution 24th January, 1816, instructing the representatives in congress to procure the passage of an act to divide the state into two districts, and to establish a district and Circuit Court of the U. S. at Pittsburg. Act of congress for that purpose, 20th April, 1818. Term of the court first Monday in May, and second in October, 15th May, 1820.

Aldermen of Philadelphia have the same power in relation to the binding of apprentices, &c. as justices of the peace, in most respects they have the same power, and it has been the uniform practice to bind before them. 1 Serg. & Rawle, 250.

mined that the act does not oblige them to grant the writ, where the case has been already heard on the same evidence by another court, and they did not think it expedient, in the case before them, to do so, because the case had been already heard in the C. P. on the same evidence, and the party was not without remedy, as he could resort to a *hominis replegiendo*. The court declared that they were not to be understood as saying that they had not authority to issue the writ if they thought it expedient. 5 Bin. 354.

The decision of remanding on a *habeas corpus*, is not final. It is against the policy of the laws, affording as they do, so just a protection to every citizen, that the opinion of one judge or of one court should be conclusive on the party. As no writ of error will lie, the party has a *right* before he is finally concluded, to the judgment of the court of the last resort. 3 Serg. & Rawle, 167.

The court are bound to free the person by the writ of *habeas corpus*, from all illegal restraint. 5 Binn. 520.

A penalty of 100*l.* for the first, and for the second offence, of 200*l.* (with forfeiture of office, and incapacity to hold the same,) besides being adjudged guilty of a contempt of the court, from which the writ issues is imposed on any officer who shall refuse or neglect to make return to the writ stating specifically and fully the cause and time of commitment. (Vol 2. p. 277.)

By the 11th sec., which is to prevent unjust vexation, by reiterated commitments for the same offence, a penalty of 500*l.* is imposed on any person who shall, knowingly re-commit or imprison one who has been set at large on a *habeas corpus*, except by order of the court to which he is bound to appear, or by order of some other court having jurisdiction of the offence. The object of the writ is to protect the

An act authorising the governor to appoint commissioners for the purpose of laying out a road from the borough of Bedford, through the borough of Indiana, to the town of Franklin.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Governor to the governor be, and he is hereby authorised to appoint three commissioners to lay out and mark a road, beginning at the borough of Bedford, in Bedford county, thence on the nearest and best route through the borough of Indiana, to the town of Franklin, in Venango county: and the commissioners so appointed, shall proceed to perform the duties of their appointment at such time as the governor shall direct, and shall make an accurate draft of the said road, and deposit one copy thereof in the office of the clerk of the Court of Quarter Sessions of each county through which the said road shall pass, and the said clerks shall enter the same of record in their respective offices, which shall be a record of the said road, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and kept in repair in the same manner as roads laid out by order of the Courts of Quarter Sessions of the counties through which the said road passes. To make a draft.

SECT. 2. [To receive two dollars per day, with a reasonable compensation for hands.]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 138.

liberty of the citizen. The penalty is not imposed for a second commitment in a civil case, the danger of oppression is not so great as in cases of crime or supposed crimes. Governments often magnify real offences, and sometimes impute crimes falsely to innocent persons, for the purpose of oppression. From this quarter has generally arisen the danger to liberty, and this may have induced the legislature to confine the penalty to a second commitment for a criminal matter. Be that as it may, they have omitted it, and it is a well established rule of construction, that penalties are not to be imposed without express words or necessary implications. 1 Bin. 374.

The justices of the Supreme Court of the U. S. and the district judges, have power to grant writs of *habeas corpus* for the purpose of enquiring into the cause of commitment, when the prisoner is in custody, under or by colour of the authority of the U. S. or is committed for trial before some court of the U. S. or is necessary to be brought into court to testify, Act of 1789, (vol 2, p. 56.) On the construction of this clause, see 4 Cranch. 75. 3 Dall. 17. 3 Cranch. 448.

The judges of the Supreme Court of the state, and the president and judges of the Common Pleas, to issue writs of *habeas corpus*, (vol 1. p. 139.) See also *habeas corpus act*, vol. 2, p. 275, and notes thereto.

The recorder of the city of Lancaster, to have similar power within that city, as the recorder of Pittsburg has by the act in the text, (ch. 4558, sect. 21.)

The recorder of the city of Philadelphia, by act ch. 4285, and the judges of the District Court of the city and county of Philadelphia, by act (ch. 4356,) to have power to issue writs of *habeas corpus*, as fully as the President of the C. P. can do by the act of 1785, vol 2, p. 275.

An *habeas corpus*, under the act of 1785, directed to the bail of one charged with a criminal offence, will not lie; the word *prisoner* is used throughout the 1st, 2d and 3d sections of the act; the legislature could not have contemplated a party admitted to bail as a *prisoner*, as the 3d section directs that the justices, &c. shall on the last day of the session, set the prisoners, who shall not be indicted and tried, at liberty on bail. 3 Yeates, 263.

If persons indicted, keep witnesses out of the way, they are not entitled to their discharge under the 3d section of the act of 1785, vol. 2, p. 275. 3 Yeates, 263.

CHAPTER 4870.

1817.

An act against horse racing upon the public roads within the limits of the city and county of Philadelphia.

Prohibited in
the highways

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That if, from and after the passing of this act, any person shall enter or start, or cause or procure to be entered or started, any horse, mare or gelding, for the purpose of running or performing a race, upon any public road within the limits of the city or county of Philadelphia, at any meeting or assembly consisting of more than fifteen persons, or if any person shall wilfully ride a race, or cause or procure a race to be ridden, upon any such public road, every such person, upon conviction in any court of record, having criminal jurisdiction over the place where the offence may have been committed, shall be subject to a fine of fifty dollars.

Penalty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any horse, mare or gelding shall be willfully made or caused to run or perform a race upon any such public road, at any such meeting or assembly as aforesaid, every such horse, mare or gelding shall be forfeited.

Sheriffs, &c.
to seize horse

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the sheriff, deputy or under sheriff, and constables within the limits aforesaid, and they are hereby directed and empowered, without any special warrant or other

The court will only enquire whether the warrant states a sufficient probable cause. 4 Dall. 412.

An *habeas corpus* may issue at common law, where there is neither confinement or restraint, on which the courts have gone so far as to deliver the body of an infant to its parent, and sometimes an apprentice to his master. It is discretionary whether to do so or not. Under the act of 1785, the courts are required to bail, remand or discharge, but when there is no restraint they can do neither. 1 Serg. & Rawle, 556.

The object of the *habeas corpus* act of 1785, was to secure personal liberty, not to decide disputes concerning property. By the act the court are required to bail, remand or discharge; when the party is desirous to remain, they can do neither, (ib.)

The case is not within the act of assembly. There was no occasion for a summary proceeding, as the party had a remedy by action. In a case where the validity of an act of congress was brought in question, and personal liberty not concerned, the court declined to interfere, (ib.)


If a person is committed by a judge of the Courts of the U. S. for an offence not punishable with death, and shall afterwards procure bail, and there be no judge of the U. S. in the district, it may be taken by any judge of the Supreme or Superior Court of such state. 2 laws U. S. 70.

Bail in a Court of the U. S. in a criminal cause, in which bail is by law allowed, may be taken by any judge of a Supreme Court, first judge of a Court of C. P. or mayor of a city. 2 laws U. S. 367.

The judges and justices of the states having authority by the laws of the U. S. to take cognizance of offences against the constitution and laws thereof shall have power to hold to security of the peace, and for good behaviour in cases under the constitution and laws of the U. S. as exercised in cases cognizable before them. 3 laws U. S. 113.

When a judge of the U. S. has committed, no judge of a state has authority to interpose, except there is no judge of the U. S. in the district. 5 Bin. 515.

When the commitment is by a state judge, the law does not prohibit the bailing by a state judge, such power is included in the general authority, to imprison or admit to bail; there is reason for such authority, as commitments may sometimes be made either for want of bail, which is afterwards offered, or there may be a hasty

authority than this act, to seize and secure every horse, mare or gelding that may have been made or caused to run or perform, or to commence running or performing any such race as aforesaid, *Provided, however,* That such seizure be made at the time of such race, or immediately after the same, or upon fresh suit, if such horse, mare or gelding shall have left the ground before such seizure could conveniently have been made, and the officer making such seizure shall be allowed for the same, and for all further proceedings therein as hereinafter mentioned, the sum of ten dollars, to be charged and allowed among the costs. 1817.  Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That upon complaint being made upon the oath or affirmation of two credible witnesses, to any judge of the Court of Common Pleas, alderman or justice of the peace, that any horse, mare or gelding has become forfeited or liable to forfeiture, by virtue of this act, by having run or performed any such race as aforesaid, at any time within twenty days next preceding the time of such complaint, the said judge, alderman or justice shall issue a warrant, under his hand and seal, commanding and empowering the sheriff of the county to seize, secure, and detain such horse, mare or gelding wheresoever the same may be found within the limits aforesaid, and to dispose of the same as is hereinafter directed; and the said sheriff and his assistants, in executing such warrant, are hereby authorised and empowered to enter any stable, building, shed, field or enclosure where Sheriff to enter stables &c. to search.

commitment by an inferior magistrate requiring reconsideration. In such cases it would be a grievance to have no relief but by the district judge. By this course the authority of the U. S. is sufficiently supported, while every reasonable accommodation is extended to defendants. 5 Bin. 515

The execution of the federal powers has been expressly delegated in some instances to the state authorities. Under the revenue and post office laws, jurisdiction is given to the state courts, to carry certain parts of their laws into execution. I will not say at present, whether, according to the constitution, congress can compel the state courts to exercise this borrowed jurisdiction. Pr. Gibson J. 3 Serg. and Rawle, 194.

By the laws of Pennsylvania, all prisoners are bailable by one or more sureties by judges having cognizance of the fact, except for felonies of death. Vol. 1, p. 56.

Justices of the peace have power to take all recognizances and obligations, as any justices of the peace of G. Britain can do, which recognizances shall be to the commonwealth, and certified to the court in which the offence is to be tried. Vol. 1, p. 137.

The judge, before whom a prisoner shall be brought on a writ of *habeas corpus*, shall, within two days discharge the prisoner, taking his or her recognizance, with one or more sureties, in any sum, according to his discretion, having regard to the circumstances of the prisoner and the nature of his offence, for his or her appearance at the next court, &c. 2 Smith, 275.

Persons charged with *horse stealing*, shall be admitted to bail only by a judge of the Supreme Court, (vol. 1, p. 501,) said to be altered, vol. 5, index p. 50.

Persons charged with robbery, burglary, &c. to be admitted to bail by a judge of the Sup. Court, vol. 2, p. 531, or by the presidents of the C. P. vol. 4, p. 334.

For laws respecting bail in criminal cases, see vol. 1, p. 56, 105, 309, 501—vol. 2, 275, 531.

Every justice of the peace of the county, or alderman of the city of Philadelphia, taking recognizance of bail or surety in a criminal case, to set down accurately in a docket, to be kept for that purpose, the name, place of abode, particularly describing the same, and the occupation or business of such recognizer or surety, and if not a house keeper, the name and place of abode, and the occupation of the person with whom such recognizer may reside, and to make return thereof, (ch. 5002.)

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there is reasonable ground to believe such horse, mare or gelding to be kept or concealed, in the same manner as the said sheriff might lawfully do in executing any writ of replevin; and the said sheriff shall be allowed, for executing the said warrant and for his further proceedings in the case as hereinafter mentioned, the sum of five dollars, to be charged and allowed among the costs as aforesaid.

Horses to be sold, afterwards.

SECT. 5. *And be it further enacted by the authority aforesaid,* That when any horse, mare or gelding shall have been seized, by virtue of this act, either with or without special warrant as aforesaid, any judge or justice of the Court of Common Pleas, having been first satisfied, by the oath or affirmation of two credible witnesses, of their being reasonable ground to believe such horse, mare or gelding to be forfeited, or liable to forfeiture by virtue of this act, may make an order, in writing under his hand, authorising and requiring the officer who may have made such seizure, to cause such horse, mare or gelding to be sold at public auction, giving ten days notice of the time and place of sale, and to return the said order within a reasonable time and all proceedings thereon, together with the proceeds of such sale, after deducting all necessary charges and expenses, into the office of the prothonotary of the said Court of Common Pleas, there to remain and abide the final judgment or order of the said court in the case.

Forfeitures may be sued for, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all forfeitures mentioned and declared in this act, may be sued for and recovered by libel or information in the said court, either

The justice having once committed the prisoner, on a charge of *felony*, (unless it is for a further hearing, cannot bail him; his application for relief, *after commitment*, must be by a *habeas corpus*.

Besides the efficacy of the writ, in liberating the person from illegal confinement in a public prison, it also extends its influence to remove every unjust restraint of personal freedom in private life. The act of 1785, is an improvement on the English statute, and secures more effectually the rights and liberty of the citizen; the 13th and 14th sections apply exclusively to civil cases, and will afford relief wherever there is an imprisonment or restraint, either by a husband, father, master or military officer, or to use the words of the act, "when a person shall *be confined or restrained* of his *liberty*, under any colour or pretence whatsoever," whether imposed immediately, or by the authority of others. To entitle a party to the benefit of this important writ, he must be under actual restraint, otherwise the relief can be had only by the *habeas corpus* at common law, under which courts have gone so far as to deliver the body of an infant to the parent, and sometimes the apprentice, to the master, &c. that is, in some degree, to determine disputes concerning property, but it is discretionary with them to do so or not. When women or infants are brought before the court on a *habeas corpus*, they will only set them free from the unmerited or unreasonable confinement, and will not determine the validity of a marriage, or the right to the guardianship, but leave them at liberty to choose where they will go, and if there is any reason to apprehend that they will be seized in returning from court, they will be sent home under the protection of an officer. But if a child is too young to have any discretion of its own, then the court will deliver it into the custody of its parent, or the person who appears to be its legal guardian.

But it is altogether discretionary with the court to do so or not, even whether they will deliver infants to the father who has been divorced from the mother on account of her adultery.

So also in the case of an apprentice who has voluntarily enlisted, even if the *habeas corpus* had been at common law, the court would have declined to interfere, and permitted the party to remain. When the writ is by the act of 1785, and there is no actual restraint, the court cannot, in the words of the act, bail, remand or discharge. 5 Bin. 520. 1 Serg. and Rawle, 353.

Where a court has refused to discharge one of its own suitors from arrest, on

by the officer who may have made the seizure without special warrant, or by the person who may have procured the seizure to be made by special warrant, or by the attorney general or his deputy, at the request of any person who may have made or procured such seizure, which court, upon the exhibition of the libel or filing the information, shall cause reasonable public notice to be given of such seizure, and of the substance of such libel or information, and if no person shall appear during the term next succeeding the exhibition of the libel or filing the information, and claim the proceeds of the sale remaining in court, and give security for the costs, in case he shall not disprove the forfeiture, the said court shall, at the next succeeding term give judgment in favour of the libellant or informer; but if any claimant appear, and give security as ^{When jury} aforesaid, within the time aforesaid, he shall be made a party to the trial. record, and the cause (if facts are disputed) shall be tried by a jury under the direction of the court, as in other cases; and in case of a final judgment upon a verdict or otherwise, in favour of the claimant, he shall be entitled to the proceeds of sale remaining in court, but if it shall appear to the court that there was a reasonable ground for the seizure and sale as aforesaid, then the said court shall certify the same, and in such case the claimant shall not be entitled to costs, nor shall the person or persons who made the seizure, or caused the same to be made, or the informer, prosecutor or libellant be liable to any action, suit or judgment on account of such seizure, sale prosecution or proceeding: and in all cases where final judgment shall be given in favor of the libellant

the ground of privilege the Sup. Court refused to relieve on a *habeas corpus*. 4 Serg. & Rawle. 149.

On a *habeas corpus*, which is a summary process, the Sup. Court has no jurisdiction to discharge a party arrested by process, from the C. P. 2 Yeates. 349.

The power to discharge on a *habeas corpus*, from an execution, is a very important one, and should be exercised with great discretion, granting the right, the proceedings of the judge who exercises it are void, without notice to the plaintiff. It is contrary to the first principle of justice to deprive a man of his rights without a hearing, or an opportunity of a hearing. 3 Bin. 410.

In the case, 3 Yeates, 258, the court observed, that on a *habeas corpus*, they were called on "to examine into the facts relating to the case," and therefore must necessarily determine contested facts. If it were doubtful whether the true person was arrested, they considered themselves as necessarily bound to submit the matter to the decision of a jury; but when there was a plain mistake, they would not do what "appertains to justice," unless they interposed for the immediate relief of the confined party.

It appearing on the face of a record that the justice had exceeded his jurisdiction, by giving judgment for an amount beyond it, the court discharged the defendant on a *habeas corpus*. 1 Dall. 135.

In the case of *Pirate alias, Belt v. Dalby*, an *habeas corpus*, was issued for the plaintiff, and his right to freedom argued before the chief justice and Mr. justice Bryan, at their chambers, when *the facts being disputed*, the chief justice advised the parties to throw the case into the form of an *action de homine replegiando*, which was accordingly done. 1 Dall. 167. 1 Serg. & Rawl. 130.

Bail and *Mainprize* are often used as signifying the same thing, the chief, if not the only difference is that mainpernors cannot imprison the principal; the *bail* are looked upon as his goalers to whose custody he is committed, who as his keepers may re seize him, if they fear his escape, and *take him before a justice, to find new sureties, or be committed on their discharge*. 2 Hank. P C, c. 15, § 3.

See appendix for adjudged cases on the *validity of indentures of apprenticeship; of enlistments in the army and navy; on commitment of mariners, and persons claimed as fugitives from labour.*

1817. or informer the court shall order and direct one half of the money remaining in court (after making from the whole sum a reasonable deduction for costs, in cases where no claimant shall have appeared) to be paid to the libellant or informer, in case the libel or information shall not have been exhibited by or for the attorney general, and the other half to be paid to the guardians of the poor for the city, district or township in which the offence may have been committed; but in case the libel or information shall have been exhibited or filed by or for the attorney general, then the whole of the money remaining in court, making deduction as aforesaid, to be paid to the said guardians of the poor as aforesaid.

To whom forfeitures paid.

When no action.

When actions may be sustained.

SECT. 7. *And be it further enacted by the authority aforesaid,* That no action shall be brought against any person for seizing, detaining or selling any horse, mare or gelding by virtue of this act, until it shall have been finally determined by the proper court, wherein such horse, mare or gelding be or be not forfeited, and no writ of replevin shall issue for any horse, mare or gelding which may have been seized, detained, and sold as aforesaid: *Provided, however,* That if no proceedings be instituted for the recovery of the forfeiture during the term of the Court of Common Pleas next succeeding the time of the seizure, then and in such case any person aggrieved by the said seizure and detainor, may have and maintain his action therefor; and in case of a sale having taken place, such person, upon satisfying the court that at the time of the seizure he was the true owner of such horse, mare or gelding, shall be permitted to take out of court the proceeds of such sale.

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 139.

NOTE.—See act against horse racing, (ch. 4805,) and notes thereto, and ch. 4976, for a general reference to the laws respecting horse stealing.

CHAPTER 4371.

An act granting a review of part of the state road from Indiana to Pittsburg, and for other purposes.

Road from Indiana to Pittsburg to be laid out.

Ch. 3916.
Two drafts to be made.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the Court of Quarter Sessions of the county of Indiana be, and they are hereby authorised and required to appoint five suitable and disinterested persons, one of whom shall be a practical surveyor, to review that part of the state road from the borough of Indiana to the city of Pittsburg, (laid out by certain commissioners appointed for that purpose, pursuant to the act of assembly, passed the twenty-fifth day of March, eighteen hundred and fourteen,) which lies within the county of Indiana; and if upon the report of the said reviewers, or any four of them, making any alterations in the route of said road, the court shall approve of the same, a draft, with the courses and distances of said road, shall be filed in the office of the clerk of the said court, and a duplicate thereof transmitted to the secretary of the commonwealth; and the road so laid out and approved of, shall

be a part of the state road aforesaid, and with the remaining parts of said road are hereby confirmed, and that part rendered unnecessary by such report, is hereby vacated.

1817.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of a certain other road from the borough of Indiana to the city of Pittsburg aforesaid, laid out by commissioners appointed in pursuance of the act of assembly, passed the eighteenth of February, one thousand eight hundred and thirteen, as lies between the said borough of Indiana and the Kishkaminitus river, at or near the mouth of Loyalhanna creek, be, and the same is hereby confirmed, and that the governor is hereby authorised and required to appoint three suitable persons, one of whom shall be a practical surveyor, to lay out and mark a road from the bank of the Kishkaminitus river, opposite the point where the last mentioned road intersects the said river, thence the nearest and best route to the city of Pittsburg; and the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and they shall deposit a copy of the draft of the said road in the office of the clerk of the Court of Quarter Sessions in each county through which the said road shall pass, and the said clerks respectively shall enter the same on the records of the county, which shall be a competent record of the said road, which from thenceforth shall be, to all intents and purposes, a public highway, and shall be opened and kept in repair in the same manner as other roads laid out by the authority of the courts in each county.

Confirmation
of a road from
Indiana to
Pittsburg.
Ch. 3656.

When the
commission-
ers shall pro-
ceed to lay
out said road.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorised to appoint three commissioners, one of whom shall be a practical surveyor, to lay out and mark a road, beginning at the west end of the bridge lately erected over the Susquehanna at M'Call's ferry, thence pursuing the nearest and best route, in a direction to the city of Baltimore, to the state line, at the point where the turnpike road laid out and located by the Baltimore and Hartford turnpike company shall connect therewith; and the commissioners so appointed shall proceed at such time as the governor shall direct, to lay out and mark a road of the width of fifty feet, on the route as above mentioned, and shall make an accurate survey and draft thereof, and shall deposit a copy in the office of the clerk of the Court of Quarter Sessions of York county, who shall enter the same as a record thereof, and the company incorporated by the legislature of Maryland, and known by the name, style and title of "The Baltimore and Hartford turnpike company," are hereby authorised to open the same and keep it in repair.

To lay out a
road from
M'Call's fer-
ry to the state
line.

Width.

SECT. 4. [The commissioners to receive two dollars for every day employed, with a reasonable compensation for other incidental expenses.]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 142.

NOTE.—See ch. 3656 and 3916, and notes thereto.

1817.

CHAPTER 4372.

An act to legalise and make valid the judicial acts of justices of the peace who have accepted of appointments under the United States, incompatible with their offices, and for other purposes.

Their acts
made valid.

Vol. 3, p. 485.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same,* That all official acts of any justice of the peace in this commonwealth, who has heretofore accepted of any office or appointment incompatible with his said office of justice of the peace, and shall have thereafter acted as a justice under the laws of this commonwealth, shall be valid in law, and shall have the same force and effect, to all intents and purposes, as if he had never accepted of any office or appointment under the United States: *Provided,* That nothing in this act shall be so construed as to exonerate the said justices from the penalties incurred under the act, entitled, "An act declaring the holding of offices or appointments under this state, incompatible with the holding or exercising offices or appointments under the United States," or so as to enable any justice to recover any costs or fees claimed by him, or to prevent the recovery from the said justice of any costs or fees which he may have received for acts done by him as a justice, during the time his commission was void under the said act.

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 144.

NOTE.—By the act, (vol. 3, p. 485,) it was declared that every person holding any office or appointment under the U. S., whether a commissioned officer, or otherwise, a subordinate officer or agent employed under the legislative, executive or judiciary departments of the

U. S.; and member of congress declared incapable of holding or exercising at the same time, the office of justice of the peace, mayor, recorder, burgess or alderman of any city, &c. (Vol. 3, p. 485. See also sup. vol. 5, p. 309.)

CHAPTER 4373.

An act relative to suits brought by or against corporations.

Service of
summons on
president, &c.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That suits may be brought against corporations by their corporate names, before any court or magistrate of competent jurisdiction, by summons, which may be served on the president or other principal officer, or on the cashier, treasurer, secretary, or chief clerk of such corporation: *Provided,* That no suit shall be sustained on any bank note or notes payable to bearer or order on demand, unless demand shall have been first made for payment thereof at their banking house, office or treasury, and in case of non-payment, interest shall be recoverable on the same from the time of making such demand.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any corporation, summoned as aforesaid, shall not appear by their officer, agent or attorney, at the time mentioned in said summons, then or at any time afterwards, on proof of the service of the summons, by the oath or affirmation of the officer serving the same, judgment, by default, shall be rendered against said corporation, for the sum which to the court or magistrate shall appear to be due.

SECT. 3. *And be it further enacted by the authority aforesaid,* That execution against any corporate body, issued by a magistrate, shall be to levy the debt, interest and costs of the goods and chattels of said corporation; and execution out of any court shall be to levy, as aforesaid, of the goods and chattels, lands and tenements of such corporation; and any execution so issued and directed to any sheriff, constable or other proper officer, shall be served by the said officer going to the banking house or other principal officer of the corporation, at their usual office hours, and demanding of the president or other chief officer, cashier, treasurer, secretary or chief clerk of said corporation, the amount of said execution, with legal costs; and if the same is not forthwith paid in lawful money, or if no person can be found on whom demand may be made as aforesaid, then such sheriff, constable or other officer is hereby authorised and required to seize any personal property of said corporation, sufficient for the debt, interest and costs, but if no sufficient personal property can be found as aforesaid, then, in case of execution out of any court, the levy may be on the real estate of the corporation; and in case of execution issued by any magistrate as aforesaid, where no sufficient personal estate can be found as aforesaid, the plaintiff may file, in the Court of Common Pleas, a transcript of the judgment, as in other cases: *Provided,* That where execution shall be against a banking company, and other personal property cannot be found sufficient for the debt, interest and costs, if any current coin of gold, or silver or copper shall be found by such officer, he shall take so much as will satisfy the debt, interest and costs.

If corporation do not appear judgment by default.

Proceedings on execution.

When no personal property to be found

SECT. 4. *And be it further enacted by the authority aforesaid,* That in case of appeal, *certiorari* or writ of error, by any corporation, the oath or affirmation required by law, shall be made by the president or other chief officer of the corporation, or in his absence by the cashier, treasurer or secretary; and when any corporation shall be sued and shall appeal or take a writ of error, the bail requisite in that case shall be taken absolute for the payment of the debt, interest and costs on affirmance of the judgment.


By whom oath to be made on appeal, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That rules of reference, and all notices whatsoever, may where a corporation is a party in any suit, be served on the president or other principal officer or cashier, or secretary, or chief clerk of such corporation.

Notices to be served on the president &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That in cases in which a corporation shall be a party in any suit in any court, or before any magistrate, all the proceedings except as regulated by this act, shall be the same as directed by law in other similar cases.

Proceedings under this act as in other cases.

1817.  SECT. 7. [Act to go into effect 1st July and be published in Philadelphia, Harrisburg and Pittsburg.]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 144.

CHAPTER 4374.

An act incorporating the West Newton bridge company.

SECT. 1. [SUBSCRIBERS to the association for erecting a bridge over the Youghiogheny river at West Newton in the county of Westmoreland incorporated by the name of "The West Newton Bridge Company." Fundamental articles.

ART. I. Sec. 1. Site of bridge to be as near the centre of the square between Main and Vine streets as the managers shall think best. Not to be more than fifty feet from the centre either way.

ART. II. Sec. 1. Capital to be 10,000 dollars in shares of 100. 2. One tenth to be paid on subscribing and the remainder as the directors shall direct. Not more than ten per cent. to be called for at any one time, and one month notice shall be given. 3. Stock transferable. 4. Certificates of stock to be issued.

ART. III. Sec. 1. Concerns of the company until directors are chosen to be managed by five managers named, whose duty it shall be to procure subscriptions, take charge of the funds and purchase the requisite real estate, and as soon as two thirds of the shares are subscribed to give notice to the stockholders to meet and organize the corporation.

ART. IV. Sec. 1. Five directors to be chosen annually on the first Monday of January to manage the affairs of the company. 2. Elections to be by ballot under the superintendence of a judge selected by the president from among the stockholders who are not directors. 3. No person eligible as director who is not a stockholder or who has failed for more than 60 days to comply with the articles of association, or any requisition of the directors made by virtue of their authority. 4. Directors to choose one of their number president. His duty. 5. Directors to meet quarterly on the first Tuesdays in January, April, July and October. May appoint agents, &c. make by-laws, &c. A majority to be a quorum. Minutes to be kept of their proceedings. Directors to make the contracts, &c. and transact the business of the company.

SECT. 2. Managers to be responsible to the company for all monies heretofore received, and subscribers for sums heretofore subscribed. 3. Bridge when complete vested in the company. Rates of toll. Bridge not to impede the navigation. 4. Managers may agree with the owners for the purchase of land for the site of the bridge. If they cannot so agree may apply to the Quarter Sessions which shall appoint seven freeholders to assess the damages that will accrue from the erection of the bridge, upon paying which they may proceed to do so. 5. Dividends to be declared semiannually. 6. Omission of elections not to dissolve the corporation. 7. Persons going to or from funerals or divine worship, persons going to or from school and militia men going to or from training

or elections exempted from toll. 8. Company to report the amount of clear profits annually to the Court of Quarter Sessions and to reduce the tolls when such profits exceed fifteen per cent. upon the capital expended. Privileges to be forfeited if the company issue bank notes or do business in the nature of banking or if the bridge be not commenced in one and completed in two years from the passing of this act.]

1817.

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 146.

CHAPTER 4377.

An act to authorise the town council of the borough of Northampton, to erect a market house in the said borough. [Incor. vol. 5, p. 203.]

SECT. 1. [CORPORATION to erect a market house at the intersection of Allen and Hamilton streets in the public square, &c. dimensions, &c.]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 153.

CHAPTER 4378.

An act to prevent the making, issuing, re-issuing and circulating certain description of notes and tickets in the nature of bank notes, and for other purposes.

WHEREAS notes and tickets in the nature of bank notes have been issued, as well by individuals as by corporations not established for the purpose of banking: And whereas the circulation of all notes of a small denomination has been productive of inconvenience, fraud and loss to the public, and has a tendency to prevent or retard the gradual and speedy restoration of a specie currency:

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, no bank or office of discount and deposit within this commonwealth, shall make, issue re-issue or circulate any bank note, promissory note, ticket or engagement of credit in the nature of a bank note, and no such bank shall receive any such notes, tickets or engagements, other than those made or issued by itself, or under its own immediate authority, and that for the mere purpose of cancelling or destroying the same forthwith, of a less denomination than one dollar, under the penalty of twenty-five dollars for each and every such note so made, issued, re-issued, circulated, paid or received, to be recovered by any person or persons suing for the same, before any aldermen or justice of the peace within this commonwealth, as debts under one hundred dollars are by law recoverable.

Notes for less than one dollar not to issue.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no incorporated body, public officer, association or partnership, or private individual, other than such as have been expressly incorporated or established for the purpose of banking, shall make, issue, re-issue or circulate any promis-

None but banking institutions to issue tickets or notes.

1817.



Penalty.

Recoverable.

Proceeding
against
banks, &c.Penalty se-
cond offence.

Appropriation.

sory note, ticket or engagement of credit in the nature of a bank note, of any denomination or amount whatsoever, other than such as have been issued by banks lawfully and expressly established; and from and after the first day of May next, no such incorporated body, public officer, association or partnership, shall receive any such note, ticket or engagement of credit, other than those above excepted, or those made and issued by it or himself, or under its or his immediate authority, and that for the mere purpose of cancelling or destroying the same, under the penalty, in the case of a public officer, of ten dollars, and in the case of a corporation, association or partnership, fifty dollars for each and every note so made, issued, re-issued, circulated, paid or received, to be recovered by any person or persons suing for the same, before any alderman or justice of the peace within this commonwealth, as debts under one hundred dollars are by law recoverable.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the mode of proceeding against any bank or other corporation under this act, shall be by summons served on the president, cashier, or other chief officer, director or manager of such bank or corporation, and that where judgment shall be entered thereon, such judgment shall be as well against such bank or corporation, as against such president, cashier, chief officer, manager or director, or so many of them severally, whereon such service shall have been made, and execution may thereupon forthwith issue, as well against such bank or corporation, to be levied upon any debts due to them, as upon the shares of their capital stock or other property, real, personal or mixed, and against each such president, cashier, chief officer, director or manager, to be levied on his personal or real property, or if a sufficiency thereof cannot be found, or plaintiff shall so require, against their and each of their persons, to be proceeded on as is usual in the case of a *capias ad satisfaciendum*.

SECT. 4. *And be it further enacted by the authority aforesaid,* That for a second and each subsequent act of making, issuing, re-issuing, circulating, passing or receiving, otherwise than is herein before excepted, any of the notes, tickets or engagements of credit aforesaid, the penalty or sum to be recovered, shall be increased in an amount equal to the original penalty or sum mentioned in the first section of this act, but shall in no case exceed fifty dollars on an individual not a president, cashier, chief officer, director or manager of any bank or corporation, association or partnership, or five hundred dollars in the case of such bank or corporation, association or partnership, any such penalty or debt to be recovered, where it exceeds one hundred dollars, before the Court of Common Pleas of the proper county, in the manner and by means of process, judgment and execution, as is described in the second section of this act; and all sums recovered under this act shall be one half thereof paid to the person or persons suing for the same, to his or their own use, and the other half into the hands of the treasurer or county commissioners of the county wherein the recovery shall be had, for the use thereof: *Provided always,* That no public officer or private individual shall be excluded from the performance of his duties, or from being a competent witness in any suit under this act, by reason of his being sub-

ject to the payment of county rates and levies therein, or by reason of one moiety of the sums to be recovered, being payable to the county treasurer or commissioners as is herein before directed.

SECT. 5. *And be it further enacted by the authority aforesaid,* That whenever judgment shall have been had against any such bank or corporation, in any two suits in the Court of Common Pleas, or before two different justices of the peace, and certified copies or transcripts of such judgments filed with the prothonotary of the Court of Common Pleas of the proper county, and the same should have remained unpaid for three months, it shall be the duty of the attorney general, or his deputy in such county, to file in said court an information in the nature of a *quo warranto*, the process awarded on which shall be served by the sheriff, or his deputy, on the president, cashier or other chief officer, or any director or manager of such bank or corporation, and on a return of service in manner aforesaid, to the satisfaction of such court, they shall proceed therein as nearly as may be in the manner directed and practised under writs of *quo warranto*; and in case of a verdict for the commonwealth, the court, instead of the usual judgment in such cases, shall have power to inflict a penalty not exceeding five thousand dollars, and to adjudge the charter and corporate power of such bank or other incorporated company thenceforth subject to be forfeited, annulled and declared for ever void by the legislature.

Duty of att'y.
gen.

On whom
writs of *quo*
warranto to
be served.

Penalty.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any justice of the peace, in every case where a second suit shall be brought against any incorporated road, bridge or canal company, after a judgment under this act against such company, to call to his aid any other justice of the peace of the same county, and they shall issue a precept directed to any constable, commanding him to summon five disinterested and judicious freeholders, named by said justices, to meet at a certain time and place in the said precept to be mentioned, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justices shall then and there, by the oaths or affirmations of the said freeholders, inquire whether such company or its officers, or any of them, after a judgment lawfully rendered against such company or its officers, or any of them under this act, shall have a second time made, issued, re-issued, circulated, received or paid any note, ticket or engagement of credit not authorised by law, or contrary to the provisions of this act, and shall cause an inquisition to be made under their hands and seals, and under the hands and seals of the said freeholders, and if the said company or its officers, or any of them, shall be found by the said inquisition to have a second time made, issued, re-issued, circulated, received or paid any note, ticket or engagement of credit not authorised by law, or contrary to the provisions of this act, they shall so certify, and send one copy of the said inquisition to each turnpike or gate keeper in the proper county, or in case of a bridge between two counties, to the toll gatherers, if such there be, at each end thereof, and from thenceforth all tolls which might otherwise have been demanded by reason of the use or passage, on, through, or over such road, canal or

Second of-
fence.

Proceeding.

Penalty.

1817. bridge, shall be suspended : *Provided*, Such suspension shall not, in the first instance, continue more than one week, for the second not more than two weeks, for the third three, and for each subsequent offence one calendar month : *Provided also*, That no *certiorari* shall be issued out of any court of record within this commonwealth, against any proceedings had before any justice of the peace under the provisions of this act, but in all cases either party may appeal from their proceedings to the next Court of Common Pleas.

Part of former acts repealed.

[See ch. 3902 sect. 13, and 4 Serg. and Rawle, 356.]

SECT. 7. *And be it further enacted by the authority aforesaid*, That so much of any act of assembly heretofore passed, as deprives or prevents the holder of any note, ticket or engagement of credit in the nature of a bank note, from recovering from any individual, bank or corporation, association or partnership, by whom, or by any of whose officers or agents the same has been made, signed or issued by reason of such note having been made, signed or issued without or in contradiction to law, be, and the same is hereby repealed, and the holder of every such note shall have the same legal remedy for the recovery of the amount thereof from the party or parties, whether corporate, association, or partnership, or individual who made, signed, or issued the same, as can by the provisions of this act, or by the existing laws of this commonwealth, be had on a similar note, ticket or engagement of credit that has been lawfully issued.

Part of act (ch. 3998) continued until the 1st Oct. when notes for less than \$5 prohibited.

SECT. 8. *And be it further enacted by the authority aforesaid*, That so much of the act, entitled "An act vesting in certain banking institutions within this commonwealth, the power of issuing small notes," passed the twenty eighth day of December, one thousand eight hundred and fourteen, as makes it lawful for all incorporated banks within this commonwealth, to issue notes of a smaller denomination than five dollars, be and the same is hereby re-enacted and continued in force until the first of October, one thousand eight hundred and seventeen; but that from and after the first day of October next, no incorporated bank within this commonwealth shall under the penalties imposed by this act, make, issue or circulate any notes of a denomination less than five dollars.*

Branch banks to pay the notes of the mother bank.

SECT. 9. *And be it further enacted by the authority aforesaid*, That from and after the first day of May next, the several offices of discount and deposit within this commonwealth, shall, on demand made, pay in the lawful currency of the United States, any note or ticket of such offices respectively, or of the mother bank when issued from such offices respectively, and on neglect or refusal to pay as aforesaid, shall be liable to the same penalties, and may be proceeded against in the same manner as is herein before provided, and any such note or ticket so as aforesaid issued, shall bear date at the office from which issued.

SECT. 10. [Act to be published.]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 153.

NOTE.—See ch. 3902, act regulating relative to writs against corporation banks and notes thereto. See ch. 4373, Resolution proposing an amendment

* This act had been previously continued until 1st January 1817, (ch. 4156.)

to the constitution of the U. S. by which Congress shall be prohibited incorporating banks, &c. except in the district of Columbia, 29th March 1819.

1817.

CHAPTER 4379.

An act for dividing the borough of Reading into two election wards.

[Incor. vol. 2, p. 76, repealed and sup. ch. 3768.]

SECT. 1. [DIVIDED into two wards. All to the north of Penn street to be one, to be called north, and all to the south, to be called south ward. Electors at the same time and manner as directed by the act (vol. 3, p. 340,) to choose an additional inspector, each to occupy one window. No inspector to receive votes but from electors who shall reside in the ward for which he is chosen. At election for inspectors, two persons to be voted for, one shall reside in north and one in south ward, if tickets contain names of two persons both residing in same ward to be destroyed.]

Passed 20th March, 1817.—Recorded in Law Book No. XVI. p. 159.

NOTE—See ch. 3768, and notes there- to.

Number of inhabitants in the borough by U S. census of 1820, was 4332; of whom 90 were free persons of colour, no slaves. Total in the county of Berks 46,275. Number of taxables by state census of 1821, was 8896; 24 persons deaf and dumb, and 4 slaves.

CHAPTER 4380.

An act extending the benefits of an act entitled “An act securing to mechanics and others payment for their labour and materials in erecting any house or other building in the city and county of Philadelphia,” to the mechanics and others of the borough of Reading, of the borough of West Chester and of the towns and villages adjacent to the city of Pittsburg, and to the counties of Lancaster, Montgomery, York, Dauphin, Franklin and Lebanon. [Vol. 4, p. 300.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That the act, entitled “An act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the city and county of Philadelphia,” passed March seventeenth, one thousand eight hundred and six, and the second section of a supplement to the said act, passed March twenty-eighth one thousand eight hundred and eight, be, and the same are hereby declared to be in force in the borough of Reading, in the county of Berks, in the borough of West Chester, in the county of Chester, and in the towns of Allegheny, Birmingham, Sidneyville, Belinstown, Byardstown, Lawrenceville and Wilkinsburg, in the county of Allegheny, and all other towns and villages that now are or may be laid out within ten miles of the line of the city of Pittsburg, and in every part of the counties of Lancaster, Montgomery, York, Dauphin, Franklin and Lebanon, and mechanics and others in said places shall have like remedy, under the said act and the said second section of the supplement thereto, for securing and recover-* [Vol. 4, p. 300. Vol. 4, p. 528. Vol. 4 p. 529.]

1817. ing payment for their labour and materials for erecting any house or other building within the said places.

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 160.

NOTE.—See ch 4967, and notes thereto.

CHAPTER 4382.

An act to authorise a permanent bridge to be built over the Swatara from State street in the town of Portsmouth, in the county of Dauphin.

SECT. 1. [COMMISSIONERS named to demand from the purchaser of each lot in the town of Portsmouth, the sum of ten dollars, and appropriate it to building a bridge over the Swatara in the said town. 2. When bridge completed the governor to licence the managers to collect toll. Rates. Penalty exacting illegal toll 20 dollars. List of tolls to be set up. None to be demanded from persons attending funerals, divine worship, milita men, persons going to or returning from school, or election. An additional fund not exceeding 5000 dollars to be created, to be disposed of in shares not exceeding 50 dollars in such manner as the managers may think proper ; when completed, bridge to be vested in the town, and stockholders in fee in proportion to their interest. Incorporated. Style, "The Portsmouth Bridge Company," To have the same powers as the Harrisburg bridge, (vol. 5, p. 57.) 4. Stock to paid for in such proportions as the managers may think proper. If stockholders refuse after 30 days notice published in three weekly papers at Lancaster, Marietta and Harrisburg, to pay such proportion at the appointed time, and for 40 days thereafter, stock may be forfeited or the company may sue for the same with interest at 5 per cent. per month, before a justice as debts of same amount are recoverable. 5. President, managers, lot holders and stockholders to meet and elect, each two managers, a president and treasurer. To remain in office one year. Make by-laws &c. 6. Managers to contract to build the bridge, to keep accounts, to be open for inspection, their successors to settle accounts with the former managers, balance to be paid to the new treasurer. 7. President, managers and treasurer to declare a dividend after all necessary deductions on first Monday in January and July ; dividend to be published. 8. The dividend due to the town of Portsmouth to be paid to three freeholders elected by ballot on the first Monday in May annually, by them to be appropriated to paving streets, education of poor children and to no other use.]

SECT. 9. *And be it further enacted by the authority aforesaid,* That if the said president, directors and company, or their successors, or any other person by their authority, shall collect or demand any greater rates or prices for passing over the said bridge, than what are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, on ten days notice given by or from any magistrate of the county of Dauphin, they so offending shall for every such offence forfeit and pay the sum of thirty dollars one moiety thereof for the use of the poor, and the other moiety for

Penalty for
demanding
illegal toll
&c.

the use of the person who may sue for the same : *Provided always*, That no suit or action shall be brought unless within thirty days after such offence shall be committed : *Provided also*, That the judgment of the said justice, in any case brought before him, shall be liable to revision, either by appeal to the Court of Common Pleas, if the merits of the case be contested, or by *certiorari*, if the legality of his jurisdiction be disputed.

SECT. 10. [If the fund of 3300 dollars be sufficient to build the bridge no additional fund to be established ; profits, provisions and corporate rights to be vested in the town of Portsmouth, to be appropriated according to the 8th section of this act and no other way. 11. Company not to issue bank notes, make discounts or receive deposits after the manner of banks, and if company transgress the provisions herein contained, their privileges to become void.]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 162.

CHAPTER 4383.

An act to authorise the governor to appoint commissioners to explore the route of the intended canal for uniting the waters of the Seneca lake and Tioga river, in the state of New York.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same*, That the governor be, and he is hereby authorised and required to appoint two commissioners to view and examine the route of the contemplated canal to connect the waters of the Seneca lake and Tioga river, in the state of New York, for which a company has been incorporated by the name of "The Seneca and Susquehanna lock navigation company," and make report to him, to be laid before the next legislature, of the practicability, importance and probable expence of making and completing the said canal, together with such other information as they may be able to obtain.

To view and report.

SECT. 2. [Compensation to the commissioners increased 250 dollars to each, (ch. 4540.)]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 167.

CHAPTER 4384.

An act authorising the Court of Quarter Sessions of Lancaster county to appoint commissioners to review part of the state road from the borough of West Chester to the borough of Lancaster.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same*, That the Court of Quarter Sessions of the county of Lancaster be, and they are hereby directed to appoint five suitable persons, one of whom shall be a practical surveyor, to review that part of the state road laid out from West Chester to Lancaster, beginning at the Chester county line in the said road, thence to the village of Stras-

To review, &c.

1817.

burg, in the county of Lancaster, thence to the bridge over the river Conestogo at the cotton factory, and thence to the borough of Lancaster; and if upon the report of the said viewers, or any four of them, making any alterations of said road, the court approving of the same, a draft, with the courses and distances of said road, shall be filed in the office of the clerk of said court, a duplicate whereof shall be transmitted by him to the secretary of the commonwealth; and the road so laid out shall be a part of the state road aforesaid, and that part rendered unnecessary shall be vacated.

SECT. 2. [Commissioners to be allowed two dollars per day.]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 168.

CHAPTER 4385.

An act to establish a public ferry on the west branch of the Susquehanna river, at the mouth of Nippenose creek, in the county of Lycoming, and to vest the right thereof in Henry Antes, junior, his heirs and assigns.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* Henry Antes, junior, his heirs and assigns, shall have the right, at his or their own costs, to make a good and convenient landing on the north and south sides of the west branch of the river Susquehanna, on the estate of the said Henry Antes, junior, situate on the great road leading from Jersey shore to Nippenose valley, opposite the mouth of Nippenose creek, in the county of Lycoming; and the owner or occupier shall keep the same in good order and repair, fit for men, and horses and carriages to pass, and the said owner or occupier shall keep a good and substantial boat or boats, and careful ferrymen, who shall constantly, as occasion may require, attend for the purpose of transporting travellers and others over the said river, and for services rendered shall receive such price as is customarily paid at other ferries on said branch; and the said ferry shall, moreover be subject to such rates and regulations as the Courts of Quarter Sessions of the county of Lycoming may order and direct: *Provided*, That nothing in this act contained, shall be construed so as to vest in the said Henry Antes, junior, or his legal representatives, the right to receive or discharge any travellers, carriages or other loading on land belonging to any other person or persons, without the consent of the owner or owners of such land, or to prevent any future legislature from resuming the privilege hereby granted.

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 169.

CHAPTER 4386.

An act to authorise the governor to incorporate the Lackawana turnpike road company.

SECT. 1. [COMMISSIONERS named, to receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of opening books. Books to be closed when 250 shares subscribed.

Ferry to be
established,
&c.

Five dollars a share to be paid on subscribing. 2. When 100 shares subscribed by 20 persons, commissioners to certify it to the governor who shall incorporate the subscribers by the name of "The President, Managers and Company of the Lackawana Turnpike Road," for the sole purpose of making a road from Wright's forge in the township of Pittstown, by the nearest and best route to the third mile stone on the Easton and Wilkesbarre turnpike. Usual corporate powers granted. 3. Proceedings to organise the company. A president, six managers and a treasurer, to be chosen by ballot, for a year. Company may make by-laws, &c. Route of road. To have similar powers, and be subject to like restrictions, as the Easton and Wilkesbarre turnpike company, (vol. 4, p. 7.) Tolls to be reduced when they exceed ten per cent. per annum, on the capital. Road to be commenced in two, and completed in five years.]

1817.

Passed 22d March, 1817.—Recorded in Law Book No. XVI p. 170.

CHAPTER 4388.

An act incorporating a school at Meadville.

SECT 1. [SCHOOL at Meadville endowed by David Meade established. To be under the management of five trustees. 2. First trustees named. To have perpetual succession and to have all the powers which were vested in the trustees named in the deed of gift from said Meade. 3. Trustees to meet annually on the first Monday of May and choose a president, &c. 4. Vacancies in the board to be supplied by the remaining trustees. No person to be a trustee who does not reside within the township of Mead.]

Passed 22d March, 1817.—Recorded in Law Book No. XVI. p. 175.

CHAPTER 4393.

An act appropriating a further sum of money for opening and improving the state road from Logan's narrows, in the county of Huntingdon, to the state road leading to Presque-Isle.

SECT. 1. [EIGHT hundred dollars appropriated. 2. To be paid to commissioners.]

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall have power to vacate any part of the said road as now laid out and opened from Logan's narrows, on the ascent and to the top of the Allegheny mountain, in Huntingdon county, as they shall judge proper, and to lay out and open the same anew, on such ground as they shall find better adapted to the making a good road, with a more easy and uniform ascent, so as to strike the present road at or near the summit of said mountain.

Commissioners may vacate parts.

SECT. 4. [Vacancies.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 179.

1817.

CHAPTER 4894.

[Vol. 5, p.
125.]

A further supplement to the act, entitled "An act establishing an academy in the borough of Gettysburg, in the county of Adams, and granting a sum of money thereto."

SECT. 1. [THE fifth section of the act (vol. 5, p. 125,) repealed, directing 1000 dollars to be placed in some safe fund for the payment of the teacher, trustees to apply same to pay debts of academy.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 181.

CHAPTER 4395.

An act incorporating the subscribers to the Pennsylvania Botanic Garden.

SECT. 1. [SUBSCRIBERS to the institution incorporated by the name of "The Pennsylvania Botanic Garden," with the usual privileges. Clear yearly value of corporate property not to exceed three thousand dollars. 2. Thirteen directors to be chosen annually by ballot. Seven of the number a quorum. Names of present directors. 3. All business of the company to be regulated by their by-laws, provided such by-laws are not inconsistent with the constitution and laws of this commonwealth.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 181.

CHAPTER 4396.

An act to authorise the governor to incorporate the Wind Gap, Nazareth and Hellerstown turnpike company.

SECT. 1. [COMMISSIONERS named to receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of the times and places of opening books. Commissioners may adjourn from time to time and transfer the books on giving notice. Books to be closed when 2000 shares subscribed. Three dollars a share to be paid on subscribing. 2. When fifty persons have subscribed 800 shares, letters patent may issue. Corporate name to be "The Wind Gap, Nazareth and Hellerstown Turnpike Company." Usual privileges granted. Company not to issue bank notes or do business in the nature of banking. 3. Proceedings to organize the corporation. A president, twelve managers and treasurer to be chosen for one year by ballot. Company may make by-laws, &c. Route of road. No person to have more than five votes. Like powers, &c. given, and similar restrictions and duties imposed, as are prescribed for the Springhouse, Northampton town and Bethlehem turnpike company, (ch. 3610.) 4. Road to be commenced in five and completed in ten years.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 183.

An act to authorise the governor to incorporate a company to erect a bridge over French creek at the town of Franklin, in Venango county.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 20 dollars. Notice to be given of opening books. Books to be closed when 325 shares subscribed. Two dollars a share to be paid on subscribing. 2. When 150 shares are subscribed by fifteen persons commissioners may certify it to the governor, who to issue letters patent creating the subscribers a body corporate by the name of "The President, Managers and Company for erecting a bridge over French creek at the town of Franklin," with the usual corporate privileges. 3. Proceedings to organize the company. President, six managers and treasurer to be elected by ballot, to serve one year. Company may make by-laws, &c. not inconsistent with the laws of this commonwealth. No person entitled to more than two votes. 4. Stockholders to meet annually and elect officers on the first Monday of May. 5. Certificates of stock to be issued and be transferable. 6. President and managers to meet as may be agreed on. Five members a quorum. Shall keep minutes of their transactions, and have power to appoint agents, engineers, &c. fix their salaries and determine the times of paying instalments. Orders on the treasurer shall be signed by the president or the majority of a quorum, and countersigned by the clerk. 7. Penalty for neglecting to pay instalments as required. Shares to be forfeited when the penalties accrued amount to the sums paid on them. 8. Managers to keep just accounts of receipts and expenditures and submit them to the stockholders. Shares may be increased if necessary. 9. Bridge when properly completed to be vested in the company. Rates of toll. Any person attending funerals, any detachment of the military of this state, or militia attending their duty on days of training, persons attending elections, and students or children attending any school or seminary of learning, and all persons going to or returning from divine service, exempted from toll. Bridge not to injure the navigation or prevent persons from crossing or fording the creek.]

SECT. 10. *And be it further enacted by the authority aforesaid,* That if the said company, their successors and assigns, or whoever may own or possess the said bridge, shall collect or demand any greater rates or prices for passing over the said bridge, than as is herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending shall for every such offence, forfeit and pay the sum of fifteen dollars, one moiety thereof to be laid out in repairing the streets of the town of Franklin, and the other moiety for the use of the person who may sue for the same: *Provided,* That no suit or action shall be brought unless within thirty days after such offence shall have been committed.

Penalty on
demanding
illegal toll.

Proviso.

SECT. 11. [Managers to keep accounts of tolls received, and make dividends of the clear profits on the first Monday of May and November every year. 12. Abstract of accounts to be laid before the legislature at the end of two years from the completion of the

1817. bridge, and if it then appear that the clear profits are less than six per cent. the tolls may be increased so as to raise them to that amount. Like abstracts to laid before them at the end of five years, and if the dividend exceed fifteen per cent. the tolls are to be reduced to that amount.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 187.

NOTE.—Governor authorised to subscribe 100 shares, (ch. 4895, § 21.)

CHAPTER 4399.

An act authorising the recovery of money in the hands of certain commissioners.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the purchaser or purchasers, their heirs, executors or administrators, of any lands sold at commissioner's sales for taxes, previous to the year one thousand eight hundred, within this commonwealth, be authorised to demand and receive any sum or sums of money which may have been by them paid to any commissioner or commissioners of any county, beyond the amount of the taxes and costs for which such lands were sold, and which hath not been paid by them to the real owner of such lands, or into the county treasury ; and if upon demand of any such purchaser or purchasers, their heirs, executors or administrators, any such commissioner or commissioners shall refuse or neglect to pay such sum, the same may be recovered as other sums of the same amount are by law recoverable : *Provided*, That before any suit shall be commenced for the same, a bond of indemnity, with sufficient sureties to any such commissioner or commissioners, duly executed, shall be tendered, and a release of all interest in, or title to any such lands under said sales, be duly executed by such purchaser or purchasers, or by their executors or administrators, who are hereby authorised and empowered to execute the same, and be recorded in the recorder's office of the county in which such sales were made.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 196.

NOTE.—See ch. 4123 and notes thereto.

CHAPTER 4402.

[Vol. 2, p. 439] An act to revive and amend an act, entitled "An act to incorporate the first Presbyterian congregation of the Big Spring in Newtown township, in Cumberland county."

SECT. 1. [THE act of 27th Feb. 1788, (vol. 2, p. 439,) revived. 2. Official proceedings of the present and former acting trustees, declared legal. 3. Trustees named to continue until removed agreeably to the provision of the 8th sect. of the revived act. 4. Vacancies to be supplied by the congregation.]

Passed 24th March 1817.—Recorded in Law Book No. XVI. p. 200.

Purchasers
previous to
1800, to de-
mand surplus
&c.

CHAPTER 4403.

1817.

A further supplement to "An act to regulate the fisheries in the river Susquehanna and its branches

[Vol. 4, p. 379.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the times and periods during which it is unlawful for any person or persons to cast or draw, or to direct, permit or aid the casting or drawing of any seine or net in the river Susquehanna and its branches, according to the second section of the supplement to the act to which this act is supplementary, passed the first day of March, one thousand eight hundred and fifteen, shall commence at sun rise of the days mentioned in the said section of said act, and end at sun rise of the days next succeeding.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 201.

NOTE.—See ch. 4040 and 4742, with notes thereto.

CHAPTER 4404.

An act authorising the trustees of the Low Dutch congregation in Adams county, to sell and convey a certain piece of land.

SECT. 1. [WILHELMUS Hooghtalen and others, authorised to sell a piece of land in Straban township, for the use of the congregation, proceeds to be applied to building a wall around the burial ground, residue to such religious purposes as a majority of them who were formerly members, and now reside in Adams county, shall recommend.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 202.

CHAPTER 4405.

An act providing for the compensation to the heirs of Christian Croll, for a tract of land certified to Connecticut claimants, in Salem township, Luzerne county.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 202.

NOTE.—See ch. 5045, and notes thereto.

CHAPTER 4406.

An act authorising the Governor to incorporate a company to make a turnpike road from Berwick, in Columbia county, by the best and nearest route to Williamsport, in Lycoming county.

SECT. 1. [COMMISSIONERS appointed, to receive subscriptions. Form. Price of shares 100 dollars. Notice to be given of the times and places of opening books. Books to be closed when 500 shares subscribed. Ten dollars a share to be paid on subscribing. 2. When 100 shares are subscribed by 20 persons, the governor to incorporate the subscribers, by the name of "The Ber-

1817. wick and Williamsport Turnpike Company." Usual corporate privileges granted. 3. Proceedings to organize the company. A president, six managers and a treasurer to be chosen by ballot, to serve one year. Company may make by-laws, &c. not inconsistent with the laws and constitution of this state, or of the United States. To have similar powers under similar restrictions, with the Susquehanna and Lehigh Turnpike Company, (vol. 4, p. 165.) 4. Road to be commenced in five, and completed in ten years after a charter is obtained.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 204.

CHAPTER 4407.

An act to incorporate the Academy of Natural Science of Philadelphia.

SECT. 1. [MEMBERS incorporated by the name of "The Academy of Natural Science of Philadelphia," with the usual corporate powers. Annual income of corporate estate not to exceed 8000 dollars. 2. May make by-laws, &c. not repugnant to the constitution and laws of the United States or of this state. 3. Society to consist of members and correspondents. Candidates to be admitted upon such terms as the society shall establish. Aliens shall enjoy the full rights of members and correspondents. Members only to have the right of voting, holding offices, &c. Correspondents may attend meetings and visit the museum. 4. Officers to be a president, two vice presidents, a corresponding secretary, a recording secretary, a librarian, and four curators, whose duties shall be assigned by the by-laws. To be elected at the last stated meeting in December of each year. Vacancies may be supplied by a special election. Present officers to continue until an election is held. 5. Corporation not to be dissolved by failure to hold elections as herein directed.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 207.

CHAPTER 4409.

[Erected vol. A supplement to "An act provisionally organizing the counties of Potter and M^cKean, and for other purposes. 4, p. 170, ch. 3920.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the trustees of the counties of Potter and M^cKean, respectively, are hereby authorised and required to surrender all the trust and trusts, and convey the title to all lands heretofore vested in them by virtue of the several acts of assembly establishing the said counties, to the commissioners of the same, and the said trusts are hereby declared to be vested in them and their successors for the use of the said counties respectively.

Trustees to
surrender
trusts to com-
missioners.

SECT. 2. *And be it further enacted by the authority aforesaid,* 1817.
 That the said commissioners respectively are authorised to sell and dispose of at public sale, after having given at least three weeks public notice thereof, by affixing at least six advertisements in the most public places in and near said towns respectively, one half of the town lots in Coudersport and Smithport, belonging to the said counties respectively, and apply the proceeds thereof respectively, when it shall appear to them necessary, to the improvement of the streets and alleys in the said town plots, and to such other purposes as the said commissioners shall deem most useful to the interests of the said counties; and the accounts of the said commissioners respectively, shall be settled by the auditors of the proper county in the usual manner; and the remaining half of the said town lots shall be withheld from sale until the said counties respectively shall have been organized for judicial purposes.

Who to sell
lots, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,*
 That from and after the passing of this act, it shall be the duty of any two justices of the peace within the counties of Potter and M'Kean, to administer the necessary oaths of office to the constables of said counties, and take bail from them in the same manner that the Courts of Quarter Sessions of the Peace of the respective counties within this commonwealth are by the existing laws authorised and required to do, all which proceedings shall be duly certified by such justices, and returned by them to the prothonotaries of office of the proper county: *Provided*, That this act shall not continue in force any longer than until the said counties of Potter and M'Kean shall be organized for judicial purposes.

Justices to
administer
oaths to con-
stables.

Limitation.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 209.

NOTE.—The supervisors of the highways, authorised and required, with the assistance of the township assessors, to extend the road tax to any sum not exceeding one cent in the dollar, on the valuation in one year, to be levied as directed by the act, vol. 3, p. 512, (ch. 4873.) laws, see ch. 4019, and notes thereto.— See also act (ch. 3920,) provisionally organizing their counties, and notes; also (ch. 5034.) Resolution 2d April, 1821, on the representation of the inhabitants of Potter and M'Kean, relative to obstructions in certain streams running into New York.

For a general reference to the road

CHAPTER 4410.

An act to improve the navigation of the Allegheny river, Conowango creek and French creek.

SECT. 1. [ONE thousand dollars appropriated. 2. Agents appointed for the expenditure. To give surety, &c. 3. To be entitled to 2 dollars per day, and not to be concerned in any contract. To make a detailed account under oath of their proceedings, and settle their accounts in the usual manner.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 211.

CHAPTER 4411.

1817.

An act authorising the governor to incorporate the Chambersburg Water Company.

SECT. 1. [COMMISSIONERS appointed to receive subscriptions. Form. Price of shares 25 dollars. Notice to be given of the time and place of opening books. Books to be closed when 800 shares are subscribed. Two dollars a share to be paid on subscribing. 2. When 200 shares subscribed by thirty persons, the governor to incorporate them by the name of "The Chambersburg Water Company." 3. Notice to be given of the time of choosing officers. Nine managers to be elected by ballot. No person to have more than five votes. Managers shall appoint one of their number president, whose duty it shall be to sign contracts and certificates of stock, and a treasurer. Annual elections to be held on the first Monday of February. No stockholder not residing in the borough of Chambersburg eligible. 4. Of by-laws and special meetings. Company shall have a common seal. Certificates of shares to be issued and be transferable. 6. Five members of the board a quorum. Their powers. 7. President and managers to lay pipes, &c. and pay all damages. May lay pipes along roads, &c. 8. May erect hydrants, &c. 9. President and managers to give thirty days notice of the time of paying instalments. Dividends to be declared.]

Penalty for
injuring prop-
erty of com-
pany.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully destroy or injure, in any manner, the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works of said company erected, in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome the stream of water which shall be conveyed and brought into the borough of Chambersburg by the said company, he, she or they shall, on being convicted before any justice of the peace in and for the county of Franklin, by the oath or affirmation of one or more credible witnesses, pay a fine not exceeding twenty dollars, one half to the use of the poor of the county, and the other half to the informer, and shall moreover remain liable for all damages to the company.

SECT. 11. [Company to complete the work in five years. By issuing bank notes or doing business in the nature of banking company forfeit their charter.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 212.

CHAPTER 4412.

[Incor. ch.
3852.]

An act to authorise the chief burgess, assistant burgess and town council of the borough of Columbia to regulate wharves and landings opposite the said borough.

SECT. 1. [TO prescribe rules for the landing of arks, boats, &c. opposite the borough, and removing nuisances and to inflict penalties for the breach of such rules, not exceeding ten dollars. If owner not known, to cause seizure to be made of so much of the contents of any ark, &c. sufficient to satisfy the same. Legislature

may resume the privileges. 2. Penalties to be recovered in the name of the corporation and be applied to improving the wharves, &c.] 1817.

Passed 24th March, 1817 —Recorded in Law Book No. XVI. p. 219.

NOTE.—See ch. 3852, 4947, and notes thereto.

CHAPTER 4414.

A further supplement to an act, entitled "An act to enable the governor to incorporate a company for making an artificial road from the Springhouse tavern in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton." [Ch. 3610, sup. ch. 4155.]

SECT. 1. [GOVERNOR to draw his warrant for \$10,000 directed to be subscribed, (ch. 4155,) as soon as the company shall have completed ten miles of the road from the Springhouse tavern as directed by the act, (ch. 3610.) Certificate of stock to be deposited in the state treasury.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 221.

NOTE.—See ch. 3610, 4155 and notes thereto. Also ch. 4985 by which 300 additional shares to be subscribed by the commonwealth.

CHAPTER 4415.

An act to provide for the erection of a house for the employment and support of the poor in the county of Adams.


SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That a house for the employment and support of the poor, shall be erected in the county of Adams, in the manner and under the conditions hereinafter prescribed and enacted.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the electors of the said county of Adams shall, at the general election next ensuing the passing of this act, in the manner prescribed for the election of members of the House of Representatives of this commonwealth, elect five reputable citizens of the said county whose duty it shall be, on or before the first day of May next after the election, to determine upon and fix the place on which the said buildings shall be erected and shall certify their proceedings therein, under their hands and seals, to the clerk of the Court of Quarter Sessions of the county of Adams, to be filed in his office; and the said electors shall also elect three reputable citizens of the said county, in like manner, to be directors of the poor and of the house of employment for the county of Adams for the ensuing year, and the judges of election of the said county shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify, under their hands and seals, the names of the persons so elected to fix on a proper site for the said building, and the names of the directors so chosen, to the clerk of the Court of Quarter Sessions of the

Persons to be elected to fix the site.

Three directors to be elected.

Judges to certify to the clerk of the Q. S. who to give notice to the elect.

1817.  said county, who shall file the said certificate in his office, and forthwith give notice, in writing, to the said persons and directors of their being elected, and the said directors shall meet at the court house in the said county, on the first Monday in November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third at the expiration of the third year, so that those who shall be chosen after the first election, and in the mode above prescribed, may serve for three years, and one third be chosen annually : *Provided*, That it shall be lawful for the said five citizens, or a majority of them, to receive proposals for the sale of land whereon to erect the said buildings and accommodate the same, and to contract for and hold the same, and to take conveyances therefor in the name of the corporation hereinafter named.

Time of
meeting and
classification.

SECT. 3. *And be it further enacted by the authority aforesaid*, That every director elected in manner aforesaid, or appointed as is directed by the twelfth section of this act, shall, within ten days after he is notified of such election or appointment, and before he enters on the duties of said office, take an oath or affirmation, which any justice of the peace of the said county is hereby authorised to administer, that he will discharge the office of director of the poor for the said county, truly, faithfully, and impartially, to the best of his knowledge and ability, and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of the said county, which fine shall be recovered by the directors for the time being, as debts of equal amount are or shall be by law recoverable.

Directors to
be sworn, &c.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said directors shall forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever relating to the poor of the said county of Adams, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The Directors of the Poor and of the House of Employment for the county of Adams," and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods or chattels whatsoever of the gift, alienation or bequest of any person or persons whatsoever, to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings thereon for the reception, use and accommodation of the poor of their respective townships, to provide all things necessary for the reception, lodging, maintenance and employment of the said poor, to appoint a treasurer annually, who shall give bond, with sufficient surety, for the faithful discharge of the duties of his office, and that at the expiration thereof, he will well and truly pay and deliver over to his successor all monies, bonds, notes, books, accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession, to employ and at pleasure to remove a steward or stewards, matron or matrons,

Penalty re-
fusing to
serve.

Style of cor-
poration.

Powers, &c.

Treasurer.

Steward sur-
geons, &c.

physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively, to bind out as apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor, and to exercise and enjoy all such other powers now vested in the overseers of the poor as are not herein granted or supplied; and the said directors shall be empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.

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May bind out poor.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings and furnishing the same, and maintaining the poor within the said county for one year, whereupon the county commissioners of the said county shall, and they are hereby authorised and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be repaid in instalments with interest out of the county taxes: *Provided always,* That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the treasurer of the corporation aforesaid, on orders drawn in his favour by the county commissioners, as the same may be found necessary: *And provided further,* That the said directors shall annually, after the estimate made as aforesaid, make an estimate of the sum necessary for the support of the poor of the said county for the year ensuing, and shall forward the same to the county commissioners, who shall provide by tax or otherwise the sum required by such estimate and pay the same over to the treasurer of the said corporation as aforesaid.

Directors to estimate the expense of supporting the establishment.

Commissioners to assess tax, or procure loans.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said directors shall, at least once in every year render an account of all the monies by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed respecting the account of the county commissioners, and shall also, at least once in every year, lay before the Court of Quarter Sessions and grand jury of the said county, a list of the number, ages and sexes of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses, and their trade, occupation or calling, and shall at all times, when thereto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the Court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interests and monies payable and receivable

Auditors to settle accounts annually.

To lay list of paupers before G. Jury, and Q. S.

Of children, masters, &c.

Books open for inspection

1817. by the said corporation, and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them.

Notice when
buildings
ready.

Duties of
overseers.

See ch. 4750.

Of the direc-
tors.

Two to be a
quorum.

SECT. 7. *And be it further enacted by the authority aforesaid,* That as soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the poor of the several townships of the said county of Adams, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor until such time as he or she shall be in a situation to be removed, and then to convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief and of such removal, shall be paid by the said directors at a reasonable allowance: *Provided always,* That if upon the death of any pauper, it shall appear that such person died possessed of property, the same shall be recovered and collected by and vested in the directors of the institution aforesaid, and by them applied to the support thereof, and it shall be the duties of the said directors to give public notice in at least two newspapers, one of which shall be published in the borough of Gettysburg, for at least four weeks, of the death of such person, and the property in their hands, and to pay over the same, first deducting therefrom all the expenses incurred on account of such person, to his or her heirs or legal representatives: *Provided,* The same shall be claimed within seven years after the death of such person.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said directors shall, from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the said county of Adams, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Adams, or to the overseers of the proper township, in any other county in this commonwealth, and to the said directors of the poor and of the house of employment of the said county of Adams; and the said directors are hereby authorised, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the said directors, or any two of them, who shall be a quorum, in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations as they shall think

proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging and of all such persons as shall come under their care or cognizance: *Provided*, The same be not repugnant to this law, or any other of the laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the Court of Common Pleas for the time being of the said county of Adams, and shall have received the approbation of the said court.

SECT. 10. *And be it further enacted by the authority aforesaid*, That a quorum of the said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints, and redress, or cause to be redressed, all grievances which may happen by the neglect or misconduct of any person or persons in their employment or otherwise. To meet monthly.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the said directors shall each of them receive for their services, twenty dollars per annum, to defray the expenses of their necessary attendance on the duties of their offices. Compensation.

SECT. 12. *And be it further enacted by the authority aforesaid*, That in case of any vacancy, by death or resignation, removal, neglect, refusal or otherwise of any of the said directors, the remaining directors shall fill such vacancy by appointment of a citizen of their said county, to serve until the next general election, when another director shall be elected to serve for the period which such director was to have served if no such vacancy had happened. Vacancies.

SECT. 13. *And be it further enacted by the authority aforesaid*, That all the monies which shall be remaining in the hands of the overseers of the poor of the several townships of Adams county, at the time when the first county poor tax shall be assessed, levied and collected, shall be paid over by the said overseers to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein. Money to be paid over.

SECT. 14. *And be it further enacted by the authority aforesaid*, That as soon as the poor of the county of Adams shall be removed to the house of employment of the said county, and the outstanding poor taxes collected, the office of overseer of the poor within the said county shall from thenceforth be abolished. Overseers abolished.

SECT. 15. *And be it further enacted by the authority aforesaid*, That so much of the laws of this commonwealth, relating to the poor of the county of Adams, as is by this act altered or supplied, be, and the same is hereby repealed. Repeal.

SECT. 16. *And be it further enacted by the authority aforesaid*, That the powers conferred and duties imposed on the overseers of the poor, in and by "An act to empower the overseers and guardians of the poor of the several townships within this commonwealth to recover certain fines, penalties and forfeitures, and for other purposes," are hereby conferred and imposed on the supervisors of the highways in the said county of Adams, and that the justices of the Appropriation of fines &c

1817. peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, penalties and forfeitures, within the time and in the manner prescribed by the said act for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county, shall be subject to all the fines, penalties and forfeitures to which the justices of the peace and sheriffs in other counties, are by the said act subject and liable.

Duties of justices and sheriffs.

Penalty.

Compensation.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the commissioners of the said county are hereby authorised and empowered to pay to the persons who are appointed by this act to fix the place where the buildings for the accommodation of the poor of said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act) may be, in the opinion of the commissioners, a reasonable compensation for their services during the time they are employed in erecting the buildings aforesaid.

Passed 24th March, 1817.—Recorded in Law Book No. XVI p. 222.

See sect. 7.

NOTE.—The debts and property of paupers may be recovered by the overseers or directors, (ch. 4750.) For a general reference to the poor laws, (see vol. 1, p. 346 and ch. 3885,) and notes there-to.

Number of inhabitants in Adams county, by U. S. census of 1820, was 19,376, of these 606 were free coloured persons, and 11 slaves, and of taxables by state census of 1821, was 3852—11 persons deaf and dumb, and 24 slaves.

CHAPTER 4417.

An act to prevent the practice of wagering or betting on elections.

WHEREAS the practice of laying wages or betts on the event of any elections on the success of candidates for public offices, has a great tendency to promote immorality and corruption: Therefore,

Prohibited.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That wagering or betting on the event of an election, held under the constitution or laws of the United States, or the constitution or laws of this commonwealth, are hereby prohibited, and all contracts or promises founded thereon are declared to be entirely null and void.

Penalty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person shall, after the first day of August next, lay any wager or bet, or make any promise or engagement for the payment of money or the transfer of any other valuable thing, dependent on the event of any such election as aforesaid, or on the success of any candidate or candidates nominated for public office, he shall, on conviction thereof in any Court of Quarter Sessions, or other court having similar jurisdiction, be adjudged guilty of a misdemeanor,

and shall be fined in any sum not exceeding the whole amount of the sum betted by all the parties to the wager, nor less sum than twenty dollars: *Provided*, That such prosecution shall be commenced within six months after the offence shall have been committed.

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Limitation of
prosecution.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 237.

NOTE—See act to regulate the general elections, vol. 3, p. 340, also, ch. 4344, 5065, and notes thereto.

CHAPTER 4418.

An act authorising the governor to incorporate two companies for making an artificial road from the city of Pittsburg, through Butler and Mercer to Meadville. [Sup. ch. 4673. 4913, 4972.]

SECT. 1. [COMPANIES to be incorporated for making a turnpike, to commence at the north end of the bridge over the Allegheny, opposite Pittsburg, and to pass thence through Butler and Mercer, to Meadville. One company to make so much of the road as may lie between Pittsburg and the boroughs of Butler and Mercer, to be called "The Pittsburg, Butler and Mercer Turnpike road Company." The other to make so much as may lie between the borough of Mercer and the town of Meadville, to be called "The Mercer and Meadville Turnpike Road Company." 2. Commissioners to receive subscriptions for each. Form. Price of shares 25 dollars. Notice to be given of the time and place of opening books. Commissioners may adjourn from time to time, and transfer the books from place to place, on giving notice. Books to be closed when 1800 shares of the first, and 900 of the second company are subscribed. Two dollars a share to be paid at the time of subscribing. 3. When 20 persons have subscribed 1200 shares of the first section, and 500 of the second, commissioners may certify it to the governor, who shall incorporate the subscribers by the names aforesaid. Usual corporate privileges granted. 4. Notice to be given of the organization of the companies. A president, twelve managers and a treasurer, to be chosen by ballot. Companies may make by-laws, &c. not contrary to the laws of the United States, or of this state. No person to have more than fifteen votes. 5. Annual meeting for electing officers, &c. to be held on the first Monday of May. 6. Certificates of stock to issue and be transferable. 7. Meetings of president and managers to be fixed by the by-laws. Seven members of the board a quorum, with power to keep minutes, appoint engineers, surveyors, &c. fix their salaries, draw orders on the treasurer, and in general to transact the business of the companies. 8. Penalty on neglecting to pay instalments. Suit may be brought against defaulters. No person in arrears allowed to vote. 9. President and managers may enter upon lands, enclosures, &c. to survey the ground, mark the courses of the road, &c. 10. May enter upon lands, &c. contiguous, and carry away stone, gravel and other materials, first giving notice and offering compensation for damage. If the parties cannot agree upon the amount of damage, three freeholders to be appointed by a justice of the peace, to appraise it. Owners of land injured by the road passing through it,

1817.

may apply to the Court of Quarter Sessions, which shall appoint three freeholders to examine, and upon oath or affirmation, report the extent of injury, &c. 11. Road to be not less than forty, nor more than sixty feet wide. Twenty feet at least to be artificial. Not to vary more than five degrees from a horizontal line. 12. For every five miles completed, the commissioners to give notice to the governor, who shall appoint viewers, and upon their reporting favourably of the execution, shall grant his licence to demand tolls. No toll to be taken from any person passing from one part of his farm to another, or to or from any place of public worship on Sunday, or funeral, or from any person belonging to the militia, going to or returning from any training, or from any person going to or returning from election, or from any person going to or returning from school. 13. May appoint toll gatherers. Rates of toll,] and if any person or persons shall represent to either of the said companies, or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along the said road, with intent to defraud the said company of their toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, any sum not exceeding eight dollars; and if any toll gatherer shall demand and receive greater or other toll from any person or persons than such toll gatherer is authorised to demand and receive by virtue of this act, such toll gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the highways of the township in which the forfeiture is incurred, for the repair of the roads of the said township, and for the payment of which the said company shall be responsible; *Provided, always,* That it shall and may be lawful for the said company by their by-laws, to regulate the burden or carriages to be drawn along the said road, in such manner as shall be found from experience to be most conducive to the public convenience and the advantage of said companies.

Proviso.

Penalty on neglecting to keep the road and bridges in repair.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if the said companies shall neglect to keep the said road and bridges in good and perfect order and repair for the space of five days, and information shall be given thereof to any justice of the peace of the neighbourhood, within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in the precept to be mentioned, at the place in such road as shall have been complained of, of which meetings notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall, at such time and place, on the oaths or affirmations of said persons, enquire whether the said road, or any part thereof is in such good and perfect order and repair as aforesaid, and if upon such enquiry the said road shall be found to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall cause an inquisition thereof to be made, under his hand and at least two of the said persons, one copy whereof he shall certify and send to each of the keepers of the turnpike or gates between which such defective place shall be, and from thenceforth the tolls hereby granted

to be collected at such turnpikes or gates shall cease to be demanded, paid or collected until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be put into good and perfect order and repair before the next Court of Quarter Sessions of the peace, to be held for the county in which the defect is proved to be, the said justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, who shall thereupon cause process to issue to bring in the body or bodies of the person or persons entrusted by the said company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in the case of supervisors of the highways for neglect of their duty, and if he or they shall be convicted of the offence charged in the said inquisition, the said court shall give such judgment, according to the nature and aggravation of the neglect, as they in their discretion shall judge proper: *Provided*, The fine in no instance shall be less than twenty dollars, nor exceeding one hundred dollars; and the fine so imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the highways and public roads therein.

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Tolls to cease
till the road
is repaired.

Inquisition to
be certified
to the court.

Proviso as to
the quantum
of fine.

SECT. 15. *And be it further enacted by the authority aforesaid*, That if any person or persons whosoever, owning, riding in or driving any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mare or gelding, or driving any sheep, hogs, or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected or which shall be erected in pursuance of this act, with an intent to defraud the said company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent take off, or cause to be taken off, any horse, mare or gelding or other cattle from any sulkey, chair, chaise, phaeton, cart, waggon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every such person or persons, in all and every or any of the ways or manners aforesaid offending, shall, for every such offence respectively, forfeit and pay to the president, managers and company of the said turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount may now or hereafter be sued for and recovered.

Penalty for
attempts to
evade toll.

SECT. 16. [President and managers to keep fair accounts of receipts and expenditures, and submit them annually to the stockholders. Number of shares may be increased if necessary. 17. Accounts to be kept of tolls received, and dividends made of the clear profits on the first Mondays of May and November in each year. 18. Abstract of accounts to be annually laid before the legislature. Toll

1817. may be raised so as to nett six per cent. 19. Index hands to be placed at intersections of roads.]

SECT. 20. And be it further enacted by the authority aforesaid,
 Mile stones to be erected. That the said companies shall cause mile stones to be placed on the side of the said road, and also cause to be affixed at each gate a printed list of the rates of toll which may lawfully be demanded, for the information of travellers and others using the said road; and if any person or persons shall wilfully destroy the said posts, boards, index-hands or mile stones as aforesaid, or shall, without permission of the acting superintendant of the said road, throw out upon the said road or within the limits thereof, and shall suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person or persons, being convicted thereof by the evidence of one or more credible disinterested witness or witnesses, before any justice of the peace of that county in which the offence shall have been committed, he, she or they shall be adjudged by the said justice to pay a fine not exceeding five dollars, to be recovered with costs, as debts of equal amount are or may be by law recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the proper company for the use of the company.

Penalty defacing, destroying, &c.

Direction to drivers.

SECT. 21. And be it further enacted by the authority aforesaid, That all waggoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be so obstructed in his passage, and will sue for the same, to be recovered with costs before any justice, in the same manner as debts of equal amount are or may be by law recoverable.

*SECT. 22. [Work to be commenced in four and finished in eight years. All banking transactions prohibited.]**

Passed 24th March 1817.—Recorded in Law Book No. XVI. p. 232.

NOTE.—The governor authorised to incorporate two companies for the purpose of making a road commencing at the north end of the bridge over the Allegheny, opposite Pittsburgh, through Butler to Mercer, (ch. 4673.)

The Pittsburgh and Butler turnpike road company to cause the road which they have laid out or may hereafter lay out agreeably to the act in the text, and ch. 4673, to be not less than 50 or more than 60 feet wide, and 23 feet, at least, shall be an artificial road, constructed in

the manner directed by the act, and not to rise or fall more than an angle of five degrees, with an horizontal line. To erect permanent bridges, (ch. 4913.)

The governor authorised to subscribe 700 shares to the Pittsburgh, Butler, Mercer and Meadville turnpikes, (ch. 4437, sect. 3.)

The governor to subscribe 480 shares at \$500, to the stock of the three companies, for making a turnpike road from Pittsburgh, through Butler and Mercer to Meadville, in equal parts, (ch. 4985, § 16.)

* The term allowed for the commencement of the road in the section between Butler and Mercer, extended one year from 24th March, 1821, (ch. 4972.)

An act authorizing the governor to appoint commissioners on the part of this commonwealth to view and lay out a state road from Samuel Hills', in Franklin township, Greene county, Pennsylvania, to Middle Island creek, in the state of Virginia.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That Governor to the governor be, and he is hereby authorised and required to appoint appoint. two suitable persons as commissioners, one of whom shall be a practical surveyor, who, in conjunction with commissioners appointed in such manner as shall be directed by the general assembly of the state of Virginia, (if the general assembly of that state shall direct the appointment of such commissioners) shall proceed, as is hereinafter directed, to view and lay out a road from the state road at or near Samuel Hills', in Franklin township, Greene county, and state of Pennsylvania, to such point on Middle Island creek, in the state of Virginia, as shall be directed by the general assembly of that state.

SECT. 2. *And be it further enacted by the authority aforesaid,* That as soon as commissioners shall have been appointed on the part of this commonwealth, and on the part of the state of Virginia, in such manner as is provided by the first section of this act, the governor of this commonwealth shall notify the commissioners who shall have been appointed on the part of this state, to meet at the time and place which may be directed for their meeting by the general assembly of the state of Virginia. Time & place of meeting.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners from both states, having met agreeably to the intent and meaning of this act, shall employ one marker and two chain carriers, and proceed to lay out and mark a road from the state road at or near Samuel Hills aforesaid, to such point on Middle Island creek as shall have been prescribed by the general assembly of the state of Virginia; which road, so laid out, shall from thenceforth be a public highway. To mark the road.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the commissioners appointed as aforesaid on the part of this state, shall be entitled to receive three dollars each for every day necessarily spent by them in performing the duties of their appointment. Compensation.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the marker and chain carriers employed as aforesaid, shall each be entitled to receive one dollar for each day they shall necessarily be employed in marking and chaining said road, to be paid by the state of Pennsylvania and the state of Virginia, in proportion to the length of the road within each state respectively; a certificate signed by the commissioners which shall be appointed agreeably to the provisions of this act, or by a majority of them, shall be sufficient evidence of the sum or sums to be paid by this state to such marker and chain carriers. Marker and chain carriers \$1 per day.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all the expense which shall accrue to this state in the performance of the several duties by this act required, shall be paid out of Paid on warrants from the governor.

1817. the state treasury on warrants to be drawn by the governor for that purpose.

SECT. 7. And whereas the road proposed to be laid out and established by this act, is partly within this state and partly within the state of Virginia, and without the mutual co-operation of both states, it cannot be laid out and established agreeably to the intent of this act: Therefore,

When to take effect. *Be it further enacted by the authority aforesaid,* That so soon as the general assembly of the state of Virginia shall have enacted a law containing corresponding provisions to those herein enacted, then this act shall be in full force and effect.

Draft to be deposited in sec'yrs. office and clerk of the Q. S. SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners which shall be appointed pursuant to this act, to make two complete drafts of said road, by courses and distances, with proper references to places through and over which said road shall pass, and deposit one with the secretary of this commonwealth, and one with the clerk of the Court of Quarter Sessions of Greene county, whose duty it shall be to file the same in his office.

Copy to be sent to gov. of Virginia. SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the governor of this commonwealth to forward a certified copy of this act, as soon as convenient, to the governor of the state of Virginia, with a request that he cause the same to be presented to the general assembly of that state.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 249.

CHAPTER 4420.

An act declaring Lower Chichester creek, in the county of Delaware, and Larry's creek, in the county of Lycoming, public highways.

Part of Chichester highway. SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act Lower Chichester creek, in the county of Delaware, from the mouth thereof up the same to the mill of David Trainer and Gideon Jaques, be, and the same is hereby declared a public highway for the passage of rafts, boats and other vessels; and it shall be lawful for the inhabitants and others desirous of using the navigation of said creek, to remove all natural and artificial obstructions which may be within the same: *Provided,* That nothing in this act contained shall be so construed as to authorise the removal of the bridge across said creek at the place where the great leading road from Philadelphia to Wilmington crosses the same, or the injuring or in any manner impairing the said bridge.

Part of former act repealed. Vol. 4, p. 159. SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act passed on the nineteenth day of March, one thousand eight hundred and four, entitled "An act to enable and enforce the owners and possessors of a certain tract of marsh meadow, situate partly in the township of Lower Chichester and the township of Chester, in the county of Delaware, adjoining the river Delaware, to keep the banks, dams, sluices and flood-gates in repair, and

for other purposes." be, and the same is hereby repealed, so far as its provisions interfere with the marsh situate south and south-west of an old original cross bank running up the north side of the aforesaid creek, until it joins the fast land of David Trainer, junior, or in any manner obstructs the navigation of said creek, but in all other respects the said act shall be and remain in full force.

1817.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from the original cross bank adjoining the south-west corner of the fast land of David Trainer, junior, until it intersects the bank on the east side of Chichester creek, from thence along said bank to the bank on the river Delaware, shall be, and it is hereby declared under the control of the managers of said company, in every respect as the banks on the river Delaware within the limits prescribed by the aforesaid act now are.

Certain parts
of the banks
under the
control of
the company.

SECT. 4. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act Larry's creek, in the county of Lycoming, from the mouth thereof to where the state road crosses the same, be, and the same is hereby declared a public highway for the passage of rafts, boats or other vessels; and it shall and may be lawful for the inhabitants desirous of using the navigation of said creek, to remove all natural and artificial obstructions from the bed or channel of said creek, excepting mill dams or other water works, and to erect such slopes or locks, and to keep the same in repair, at the dams now built, as may be necessary for the passage of rafts, boats, arks and other vessels: *Provided,* Such slopes or locks be so constructed as not to injure said dams: *And provided also,* That any person or persons owning or possessing lands on said creek, may construct or erect any dam or dams across the same, agreeably and subject to all the restrictions and provisions of an act, entitled "An act to authorise any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams for mills and other water works," passed the twenty-third of March, one thousand eight hundred and three.

Larry's creek.

Vol 4, p. 20.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 252.


CHAPTER 4421.

A further supplement to the act, entitled "An act to incorporate that part of the township of the Northern Liberties lying between the west side of Sixth street and the river Delaware, and between Vine street and Cohocksink Creek," passed the twenty-ninth day of March, one thousand eight hundred and three.*

[Vol. 4, p.
35, sup. 5, p.
226, both re-
pealed, ch.
4711]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all real estate within the incorporated part of the township of the Northern Liberties, shall be subject to the payment of the debts contracted by the commissioners of the said incorporated part of the Northern Liberties, for or by reason of any work done or materials furnished for or in the pitching, curbing and paving any street or

* The act recited is of the twenty-eighth March.

1817.  foot-way in front of said real estate, before any other lien : *Provided*,
 The paving and assessment shall be made conformably to the provi-
 sions of the act to which this is a further supplement, and the supple-
 ment thereto, passed the thirtieth March, one thousand eight hun-
 Vol. 5, p. 226. dred and eleven, and that nothing herein contained shall in any wise
 impair or affect such liens as are existing at the time of passing this
 act.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 253.

NOTE.—The original act, (vol. 4. p. 35,) and the supplement of the 30th March,
 1811, (vol. 5, p. 226, repealed, ch. 4711. See ch. 4196, and notes thereto, for a
 general reference to all the laws relating to the corporation.

CHAPTER 4422.

An act to authorise the directors of the poor of Bucks county, to convey a certain
 estate therein mentioned.

SECT. 1. [AUTHORISED to grant and convey a tract of
 land which Jacob Fox devised to the poor of Bedminster township.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 254.

CHAPTER 4424.

[Vol. 5, p. 293 ; 4, 181, sup. 3838] A supplement to "An act authorising the commissioners of the county of Berks to
 erect a bridge over the river Schuylkill near the town of Reading."

SECT. 1. [COMMISSIONERS authorised to demand one
 cent for foot passengers. Persons exempted by former act, and per-
 sons who reside on one side of the Schuylkill, and own or lease
 farms, &c. on the other, their heirs, assigns, and families, laborers,
 or servants, passing the bridge, for the purpose of viewing, cultivat-
 ing, repairing or improving their farms, or for the purpose of extin-
 guishing fire in Reading, &c. or from labour, and mechanics return-
 ing from their employment.]

SECT. 2. *And be it further enacted by the authority aforesaid*,
 That no person shall carry any lighted segar, pipe with a coal or any
 burning substance in it, or any other substance in state of ignition on
 the said bridge, or shall ignite any segar or other substance while on
 the said bridge, under the penalty of five dollars for each and every
 such offence, to be recovered in such manner as debts under one hun-
 dred dollars are by law recoverable, before any justice of the peace
 of the borough of Reading, by the said commissioners or their suc-
 cessors : and all sums recovered under this section shall be paid
 to the treasurer of the said county for the use of the said county :
Provided always, That nothing in this section shall be construed
 to prevent any person from carrying a lantern on said bridge, or
 the said commissioners, their successors or persons employed by
 them, from carrying lights or ignited substance on the said bridge
 for the repairs or convenience of the said bridge ; and that no com-
 missioner, public officer or private individual shall be excluded from
 the performance of his duties, or from being a competent witness
 under this act, by reason of the form of the action, or of the sum

Penalty on
 carrying fire
 over said
 bridge.

Proviso.

to be recovered being payable to the county treasurer as herein before directed: *And provided also*, That the penalty so incurred shall be sued for within six months after the offence shall have been committed.

1817.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 256.

NOTE.—See ch. 3838.

CHAPTER 4426.

An act authorising the Governor to incorporate a company for erecting a bridge over Big Beaver, at or near the ferry occupied by Charles Morrow.

SECT. 1. [COMMISSIONERS named to receive subscriptions. Price of shares 25 dollars. Notice of opening books to be given. Books to be closed when 2000 shares are subscribed. Two dollars a share to be paid on subscribing. 2. Letters patent may issue when 600 shares are subscribed by 20 persons. Corporate name, "The President, Managers and Company for erecting a bridge over Big Beaver, at or near the ferry occupied by Charles Morrow." Usual corporate privileges granted. 3. Proceedings to organize the company. A president, six managers, and treasurer, to be chosen by ballot. Company may make by-laws, and enjoy like privileges, take like tolls, and be subject to like restrictions, as the company, for erecting a bridge over Big Beaver, at Brighton, (vol. 5, p. 149.) Bridge to commence in three, and completed in six years. All banking transactions prohibited.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 258.

CHAPTER 4427.

An act to authorise the Governor to incorporate the president, managers and company of the Beaver and Greensburg turnpike road. [Sup. ch. 4737.]

SECT. 1. [COMMISSIONERS named to procure books before the first of July next, [extended to 1st Sep. 1819, ch. 4737,] and receive subscriptions. Form. Price of shares 50 dollars. Notice to be given of the time and place of opening books. Who may subscribe. Commissioners may adjourn and transfer the books until the necessary number of shares is subscribed. Three dollars a share to be paid on subscribing. 2. When 250 shares are subscribed by thirty persons, commissioners may certify it to the governor, who shall incorporate by the name of "The President, Managers and Company of the Beaver and Greensburg Turnpike Road," with the usual corporate privileges. 3. Notice to be given of the time and place of organizing the company. A president, eight managers and a treasurer to be chosen by ballot. Company may make by-laws, &c. and have the same privileges under the same restrictions as the Greensburg and Pittsburg Turnpike Company, (ch. 3858.) No toll to be demanded from any person passing from one part of his farm to another, or to or from any place of public worship or funeral, or from any militia men going to or from any place

1817. of training, or from any person going to or from any general or special election. Work to be commenced in four and completed in seven years. Transactions in the nature of banking prohibited. 4. Route of road not to vary more than four degrees from a horizontal line.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 261.

NOTE.—The company placed on the same footing as the Pittsburg, Butler and Mercer turnpike Company, (ch. 4418,) see ch. 4737.

CHAPTER 4428.

[Sup. ch.
4536.]

An act authorising the governor to incorporate the Easton Water Company.

SECT. 1. [COMMISSIONERS named to receive subscriptions. Form. Price of shares 25 dollars. Notice to be given of the time and place of opening books. Books to be closed when 400 shares are subscribed. Two dollars a share to be paid on subscribing. 2. When thirty persons have subscribed 200 shares letters patent may issue. Corporate name to be "The Easton Water Company." Usual powers and privileges granted. 3. Notice of the time and place of organizing the company. Nine managers to be chosen. No stockholder entitled to more than eight votes. Managers to choose one of their number president. President to sign all contracts and certificates of stock. One of the stockholders who is not a manager to be appointed treasurer. Election for officers to be held annually on the second Monday of May. Misdemeanor or failure of election not to dissolve the corporation. 4. President and managers or any five of them may make by-laws not inconsistent with the constitution and laws of the United States or of this state. 5. Repealed, (ch. 4536.) 6. Board to meet as directed by the by-laws. To keep minutes. May appoint agents, engineers, &c. and draw orders on the treasurer. 7. Company required to introduce water into the borough of Easton from some spring or stream in the neighbourhood by means of pipes, &c. May enter enclosures, &c. for that purpose. Damages to be compensated and how. May dig and lay pipes, &c. 8. Shall erect hydrants for extinguishing fire. Citizens to be supplied with water by contract. Penalty for taking water without permission. 9. Penalty for neglecting to pay instalments. Dividends to be made half yearly. 10. Penalty for injuring pipes, works, &c. How fines to be appropriated. 11. Work to be commenced in three and completed in five years. All transactions in the nature of banking prohibited.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 264.

NOTE.—The company to have a common seal; to make rules as to the attestation, number and delivery of the certificates for stock. Every assignee to enjoy the privileges of an original subscriber, (ch. 4536.)

CHAPTER 4429.

1817.

An act to authorise John Wormley and Abraham Neidig to build a bridge over the Conedogwinit creek.

SECT. 1. [AUTHORISED to build the bridge at the mouth thereof provided it does not injure the navigation. No toll to be demanded. Not to build the bridge on private property without the consent of the owner.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 270.

CHAPTER 4430.

An act establishing Allegheny College, in the township of Mead and county of Crawford.

SECT. 1. [COLLEGE established, &c. 2. To be under the direction of trustees not exceeding fifty. 3. The governor, chief justice and attorney general of this commonwealth trustees *ex officio*. 4. First trustees named. Incorporated by the name of "The President and Trustees of Allegheny College." Usual corporate privileges given. Corporate property not to exceed the yearly value of 15,000 dollars. 5. To have a common seal. 6. Trustees to meet at Meadville on the last Monday of May, eighteen hundred and seventeen, to choose a president from their own number, and a secretary. 7. President and trustees to meet for the transaction of business on the first Mondays of April and October. Any five trustees may call a special meeting. 8. Nine trustees a quorum. 9. President and secretary to be elected annually at the April meeting. Trustees to fill vacancies in the board. 10. Trustees to appoint teachers fix their salaries and have power to remove them. 11. Principal teacher to be styled the president of the faculty, and the other teachers to be called the vice president, professors and tutors. Principal teacher may also be president of the trustees, provided he be a member of the board. 12. President, vice presidents, &c. to be called "The Faculty of the College." To have power to enforce the rules made by the trustees, &c. and with the approbation of the trustees to confer degrees, diplomas, &c. 13. President and trustees in conjunction with the faculty may expel any student for improper conduct. No one of good moral character to be refused admission on account of his religious persuasion. 14. Vacancies in the board occasioned by the death or resignation of a clergyman, to be supplied by persons of the same profession. No religious society to have a preference. 15. Institution not to be affected by a misnomer provided the intention be clear; nor by dis-user or non-user. 16. President, trustees, &c. to take an oath or affirmation. 17. Legislature reserve the right of removing the president and trustees or any of them for abuse of the privileges hereby granted. 18. Two thousand dollars granted to the institution to be paid in three annual instalments.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 271.

NOTE.—The sum of 1000 dollars per annum granted from 1st January 1820, for five years, (ch. 4946.)

1817.

CHAPTER 431.

An act to authorise the governor to incorporate a company to make a lock navigation the river Monongahela.

SECT. 1. [COMMISSIONERS named to receive subscriptions. Form. Price of shares 30 dollars. Notice to be given of the times and places of opening books. Books may be transferred on giving notice. To be closed when 1600 shares are subscribed Five dollars a share to be paid on subscribing. 2. When 500 or more shares are subscribed the commissioners may certify it to the governor, who may then incorporate the subscribers by the name of "The President, Managers and Company of the Monongahela navigation company." Usual corporate privileges granted. 3. Notice to be given of the time and place of organizing the company. A president, ten managers and a treasurer to be elected by ballot. May make by-laws, &c. not inconsistent with the constitution and laws of the United States or of this state. 4. Stockholders to meet annually to choose officers, &c. on the first Monday of January. Notice of such election to be given. No person shall have more than ten votes. 5. Five members of the board a quorum. Shall keep minutes. May appoint engineers, workmen, &c. fix their salaries, determine the time of paying instalments and draw orders on the treasurer, &c. 6. Certificates of stock to issue. How transferable. 7. Penalty for neglecting to pay instalments. No person in arrears allowed to vote. 8. Dams to be erected, and their height. May make the dams higher than is herein specified, provided the additional height does not exceed six inches. River to be divided into two sections. 9. Right of entry on adjacent lands and upon the river to take materials. Compensation to be made for damages. Consent of owners to be obtained before the water works are erected. Three freeholders to assess damages when the parties cannot agree. 10. Right to use water power for machinery, &c. And sell rights. Navigation not to be injured thereby. 11. Report to be made to the governor when eight locks and dams are completed, who shall appoint viewers, and upon their reporting favourably of the execution, &c. shall grant his license to take tolls, &c. Rates of toll. Dividends not to exceed seven per cent. for five years and nine per cent. afterwards. Tolls may be reduced so as to nett seven per cent. When the profits of the water power produce seven per cent. tolls to cease. 12. Prohibited from banking operations.]

Navigators
to blow horns

Penalty being
delayed.

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the master or commander of any boat barge or other vessel navigating the said river, when he shall arrive within one-fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a horn or trumpet, whereupon the keeper of such lock shall attend for the purpose of opening such gate or sluice to let the said boat, barge or other vessel pass without unnecessary delay, and in safety; and if any boat, barge or other craft shall be prevented from passing up or down any of the said locks or sluices, by reason of the lock not being raised, for more than thirty minutes, the president, managers and company shall, on

conviction thereof, forfeit and pay to the person so hindered, the sum of one dollar for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time; and the service of any civil process upon the toll gatherer in the proper county, and next to the place where the offence shall have been committed, shall be held as good and available in law as if served upon the president, managers and company. 1817.
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On whom  
process may  
be served.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall neglect or refuse to keep in good order and repair, any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle which may occur therein, so that boats, barges, rafts or vessels cannot at all times safely navigate the said river (when the same it not prevented by ice or other unavoidable cause) they shall, for every such offence, pay the sum of fifty dollars, to be recovered in the same manner as debts of equal amount are or shall be by law recoverable, one half to the use of the informer, and the other half to the use of the poor of the township or county where the neglect or refusal may occur. Penalty for  
suffering  
the works to  
be out of re-  
pair.  
  
How fine ap-  
plied.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or any dam, lock, gate or engine, machine or device thereunto belonging, or any machinery or property of the company shall be injured or damaged, he, she or they so offending shall forfeit and pay to the said company double the damages by them sustained, together with costs, to be recovered by action of debt before any justice of the peace, or in any court of competent jurisdiction. Penalty for  
injuring the  
works.

SECT. 16 [President and managers to keep just accounts of receipts and expenditures and submit them annually to the stockholders. Number of shares may be increased if necessary. 17 Dividends of clear profits to be made on the first Mondays of January and July in each year. 18. Rights of individuals to erect dams secured. 19. Work to be commenced in five and finished in seven years or privileges may be resumed. In case of such resumption persons holding water powers to keep dams, &c. in repair and may take tolls.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 277.

## CHAPTER 4433.

An act authorising John May to erect a toll bridge over French creek, in Crawford county.

SECT. 1. [AUTHORISED to build a bridge over the creek where the road from Meadville to Mercer crosses the same, below the mouth of Conyaut creek vested in him in fee. To demand toll. Rates. Not to be demanded from persons attending funerals, divine worship, militia, children going to or returning from school, or attending elections. 2. Work to be commenced in four and finished in seven years; legislature may resume privileges granted.]

1817.

Penalty for neglect in keeping the bridge in repair.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if the said John May, his heirs or assigns, shall neglect to keep the said bridge in good and perfect order and repair, so as to render it dangerous or difficult for travellers and others to cross the same for the space of one week, and information thereof shall be given to any justice of the peace of the county, such justice shall issue his precept, directed to any constable, commanding him to summon three judicious freeholders, named in the said precept, to meet at a certain time in the said precept to be mentioned, at the said bridge, of which said meeting reasonable notice shall be given to the owner or his agent; and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said bridge is in good and perfect order and repair as aforesaid, and if on such inquiry the said bridge shall be found, by the said inquisition, not to be in good order and repair, according to the true intent and meaning of this act, he, the said justice, shall certify the same, and send a copy of the inquisition to the said John May, or to his heirs or assigns, or to some one of them, or his or their agent, and from thenceforth the said tolls hereby granted, shall cease to be demanded, paid or collected until the defective part or parts of the said bridge shall be put in good and perfect order and repair as aforesaid.

Toll to cease until repairs are completed.

Penalty for injuring the bridge.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks belonging to the said bridge, or the breakers which may be thereto attached, or shall remove any piece or pieces of timber from off the said bridge, or any stone or stones or other materials belonging in anywise to the said bridge or breakers, or otherwise wilfully damage the same, he, she or they so offending, shall on conviction thereof, forfeit and pay for every such offence, over and above the damages done to the said bridge or breakers, the sum of twenty dollars, to be recovered in the same manner as debts not exceeding one hundred dollars are, or shall be by law recoverable, with costs of suit, for the use of the owner or owners of the said bridge at the time the offence shall have been committed.

SECT. 5. [Whenever the Q. S. and grand jury think proper that the bridge shall be free, the commissioners and court shall choose 4 persons; the commissioners three, and the court one, who with three to be chosen by the said May, to estimate the bridge, and the sum agreed on, which on being approved by the court to be paid to the said May, when bridge to be free. If he neglects to appoint, the commissioners may proceed with the persons by them appointed *ex parte*. 6. Navigation not to be impeded.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI p. 290.

## CHAPTER 4436.

An act to incorporate the Gloucester and Greenwich Point Ferry Company.

SECT. 1. [ASSOCIATION, incorporated by the name of "The Gloucester and Greenwich point Ferry Company," with the same

privileges &c. as are granted by the law of New Jersey on the same subject. Act of New Jersey adopted and ordered to be published with the laws of this commonwealth.]

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 295.

## STATE OF NEW JERSEY.

An act to incorporate the Gloucester and Greenwich Point Ferry Company.

SECT. 1. [MEMBERS of the association declared a body corporate by the name of "The Gloucester and Greenwich Point Ferry Company." Usual corporate privileges granted. 2. Joint stock and property real and personal of the association vested in the corporation. Corporation to be responsible for, and have the benefit of all contracts and obligations made by, or with the association. 3. The following articles declared to be the constitution of the company.

ART. I. Capital not to exceed 50,000 dollars in shares of twenty-five dollars each. To be employed in establishing a team or steam-boat communication across the Delaware at Gloucester and Greenwich points. II. Stockholders to meet annually on the first Monday in October to elect nine trustees by ballot. Each share of stock entitled to a vote. III. Trustees to vacate their office when they dispose of all their shares. Vacancies in the board to be supplied by the remaining trustees. IV. First trustees named. V. Trustees to choose one of their number as president at their first meeting after they are elected. Five trustees a quorum. Shall keep minutes of their proceedings. May appoint agents, engineers, &c. fix their salaries and do all such duties as may be necessary to ensure the completion, and conduct the business of the establishment. May make by-laws, &c. not inconsistent with the constitution and laws of the United States or of New Jersey or Pennsylvania. Rates of ferriage not to exceed those which may be fixed at the Cooper's and Philadelphia ferries.] A printed copy of which rates of ferriage shall be kept up in some conspicuous place near the ferry dock; and if the company shall neglect or refuse so to put and keep up such rates in manner aforesaid, they shall, for every day they so refuse or neglect, forfeit and pay to the overseers of the poor of the township where the offence may be committed the sum of twenty-five dollars, to be recovered by an action of debt by any person suing for the same, in any court where the same may be cognizable, and applied to the use of the poor of said township; and if the master or other ferryman employed in conducting such boat or boats, shall at any time take a higher rate of ferriage than the rates established at the ferries aforesaid, they shall, for every such offence, forfeit and pay the sum of fifteen dollars, to be recovered and applied in manner aforesaid by any person who shall sue for the same.

ART. VI. [Joint stock, &c. to be held in the name of the president, managers and treasurer, for the time being, to be in trust for the stockholders, and to be assigned over by such officers to

1817. their successors in office. vii. Treasurer to manage the pecuniary concerns of the company. Shall keep regular accounts. And give security for the faithful performance of his duty. viii. Certificates of stock to be issued and be transferrable. ix. Stockholders to cease being members of the company upon transferring their shares. Their assignees to enjoy the full rights of members. x. Penalty for omitting to pay instalments. xi. The president and trustees to employ an engineer, ferrymen, &c. fix their wages, and declare a dividend of the profits every six months. xii. President and trustees shall not have power to bind the stockholders beyond the amount of the joint stock. To be individually liable if they contract debts beyond the funds.]

ART. XIII. In all cases where suits shall become necessary on behalf of this company, the same shall be brought in the name of the president for the time being, for the use of the stockholders, and in case of the death, resignation or removal of the president in whose name any suit may be brought, during its pendency, the name of his successor in office shall be substituted without abatement or discontinuance of the suit, or any postponement of the trial on that account: and all suits against the company shall also be brought in the name of the president for the time being, and in case of his death, resignation or removal during the pendency of any suit brought against him, the name of his successor in office shall be substituted, without abatement or discontinuance of the suit or any postponement of the trial on that account; and all recoveries to be had by the plaintiffs in any such suit, shall bind, affect and be executed upon the joint stock and effects of the company, and no further or otherwise.

ART. XIV. [Company to continue until dissolved by a vote of proprietors of three-fourths of the capital stock to that effect, &c. xv. Any alteration of this constitution may be made by the proprietors of two-thirds of the whole capital stock at a meeting specially called for that purpose, of which notice is given in two newspapers in New Jersey, and three in Philadelphia.

SECT. 4. Funds of the company not to be employed for any purpose but that designated by the act. Law not to have effect until confirmed by the legislature of Pennsylvania.]

Passed 8th February, 1817.

## CHAPTER 4437.

An act making appropriation for certain Internal Improvements.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That* the governor is hereby authorised and required to subscribe, on behalf of this commonwealth, to the stock of the Harrisburg and Pittsburg road companies,\* two thousand five hundred and fifty addi-

2500 shares  
to Harrisburg  
and Pittsburg  
road compa-  
nies, vol 5, p.  
270, ch. 3858.

\* The governor to incorporate five companies for making the road from Harrisburg to Chambersburg. Corporate names, "The President, Managers and Com-

tional shares, in the following proportions, viz. To the Greensburg and Pittsburg company, four hundred shares ; to the Stoystown and Greensburg company, six hundred and fifty shares ; to the Bedford and Stoystown company, five hundred shares ; to the Chambersburg and Bedford company, seven hundred shares ; and to the Harrisburg and Chambersburg company, three hundred shares : and as soon as five miles of any of the roads aforesaid shall have been completed and approved of, the governor shall draw his warrant on the state treasurer in favour of the respective companies for such part of the subscription so as aforesaid made, as the said section of the road shall be entitled to, in proportion to the whole distance, and a half proportional part of the said subscription for five miles in advance, and the same sum so on in advance on the completion of the first section and every subsequent section of five miles, and the balance of the amount heretofore subscribed on behalf of the commonwealth to the said companies respectively, shall be paid on the completion of every section of five miles, agreeably to the provisions of this act : And that the governor be, and he is hereby authorised and required to subscribe on behalf of this commonwealth, for one hundred and fifty shares of stock in the company for making a turnpike road from the west end of the borough of York to the borough of Gettysburg, in the county of Adams, in addition to the stock heretofore authorised to be subscribed in the said company,† and as soon as five miles of the said road shall have been completed, the governor is further authorised to draw his warrant on the state treasurer in favor of said company, for such part of the money hereby authorized to be subscribed, as shall be in proportion to the whole distance of said turnpike road, and so from time to time as the work progresses, until the whole of said road shall be completed: *Provided*, That the money directed by this or any former law to be paid on the part of the commonwealth to the Bedford and Stoystown turnpike company on the completion of the first five miles of the road, shall be paid at any time after the first day of April next, to the president of said company, or order, upon his giving bond to the commonwealth, with sufficient security to the satisfaction of the governor, for the just and faithful application of the money so to be paid in advance.

1817.

Greens and  
Pitts., 400 ;  
Stoys. and  
Greens., 50 ;  
Bed. & Stoys.  
500 ; Cham. &  
Bed. 700 ; Har.  
& Cham. 500 ;  
ch. 3858.

150 shares to  
"The President, Managers & Company of the York & Gettysburg turnpike road,"  
ch. 4075.

pany of the Harrisburg, Carlisle and Chambersburg turnpike road company," "The President, Managers and Company of the Chambersburg and Bedford turnpike road company," "The President, Managers and Company of the Bedford and Somerset turnpike road company," "The President, Managers and Company of the Somerset and Greensburg turnpike road company," "The President, Managers and Company of the Greensburg and Pittsburg turnpike road company," ch. 3858. Stoystown made a point of the road from Harrisburg to Pittsburg, instead of Somerset, (ch. 4060.)

By the act of the 2d April, 1811, (vol. 5, p. 270,) the governor authorised to subscribe 7000 shares at 50 dollars each to any company for making a road from Harrisburg to Pittsburg; which, by the act, (ch. 3858,) was directed to be subscribed to the first company 1100, to the second 2100, to the third and fourth 1500 each, and to the fifth 1200 shares. The governor to subscribe to the stock of the Harrisburg and Pittsburg turnpike road company, on the southern route 1600, to the Greensburg and Pittsburg company 180, to the Stoystown and Greensburg company 300, to the Bedford and Stoystown 280, to the Chambersburg and Bedford 550, to the Harrisburg, Carlisle and Chambersburg 290 additional shares, (ch. 4985, § 2.)

† One hundred and fifty shares at 100 dollars, (ch. 4293.)

1817.

1000 shares to  
 'The President,  
 Managers & Com-  
 pany of the  
 Schuylkill  
 navigation  
 company,'  
 ch. 4057.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorised and required to subscribe one thousand shares in the stock of the Schuylkill navigation company, to be paid on warrants drawn by the governor on the treasury, in favour of the president and managers of said company, in the following manner, viz. one-fourth part thereof when the several instalments amounting to fifty per cent., shall be payable by the individual stockholders, one-fourth when another instalment of twenty per cent. shall become due and payable from the stockholders, one other fourth part when another instalment shall become due and payable from stockholders, and the remaining fourth when the last instalment shall become due and payable from the stockholders; and it shall be the duty of the said president and managers from time to time to notify the governor of the instalments by them called for from the stockholders, upon which notifications warrants shall be drawn as is herein before directed.

700 shares to  
 the Pitts-  
 burg, Butler,  
 Mercer and  
 Meadville  
 turnpike.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the governor is hereby authorised and directed to subscribe seven hundred shares, at fifty dollars a share, to the stock of the Pittsburg, Butler, Mercer and Meadville turnpike road companies,\* to be divided equally between the aforesaid points; and as soon as the said company, or either section thereof is incorporated, and an equal proportion of the shares subscribed for by individuals, in proportion to the subscription on the part of the state, shall have been paid, the governor is authorised to pay to the president thereof the proportional part for five miles of said road in advance, upon satisfactory security given that the same shall be applied agreeably to the act incorporating said company, and so on in advance progressively, after the completion of each section of five miles.

\$2000 to the  
 road from  
 Blockhouse  
 road to the  
 line of New-  
 York.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the sum of two thousand dollars be, and the same is hereby appropriated for the improvement of a road beginning at the intersection of the Block-house road (otherwise known by the name of Williamson's road) along Lycoming creek across the head of Towanda, to the state line of New York, in the manner following, to wit: One thousand dollars to that part of said road lying between Ezra Spalding's and the intersection of the aforesaid Block house or Williamson's road, to be paid to the order of John Graham, Henry Hews and John Harman; one thousand dollars to that part of said road lying between Ezra Spalding's and the state line of New York, to be paid to the order of Noah Wilson, John Wilber and William Ferman: *Provided,* That the money hereby granted to that part of said road lying between its intersection with the Block-house road and Ezra Spalding's, shall not be paid until five hundred dollars be secured to be paid by private subscription, to be expended for the

\* Two companies incorporated, viz. "The Pittsburg, Butler and Mercer turnpike road company," and "The Mercer and Meadville turnpike road company," (ch. 4418,) and by a sup. (ch. 4673,) the Pittsburg and Butler, and the Butler and Mercer turnpike road companies.

The governor to subscribe 480 shares at \$50 each, to the stock of the three companies, for making a road from Pittsburg through Butler and Mercer to Meadville, to be equally divided between them, (ch. 4825, § 61.)

improvement of said road in the same manner as the money hereby granted is to be extended: *And provided also*, That the money hereby granted to that part of said road between Ezra Spalding's and the state of New York, shall not be paid until five hundred dollars be secured to be paid by private subscription, for the improvement of that part of the said road, in the same manner as the money hereby granted is to be expended.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the governor be, and he is hereby authorised and required to subscribe, on behalf of the commonwealth, for three hundred shares of the stock of the company for making a turnpike road from the river Schuylkill at Reading, in the county of Berks, to or near Hummelstown, in the county of Dauphin; and as soon as any section of the said road (not less than five miles) shall be completed and approved of, as is directed by the act to which this section is supplementary, the governor is further authorised and required to draw his warrant on the state treasurer in favour of said company, for such part of the amount of stock to be paid by the commonwealth, as shall be in proportion to the whole distance of the said turnpike road, and so from time to time until the whole of said road shall be completed, and the stock of the said company shall be and the same hereby is increased to two thousand eight hundred shares.\*

"The President, Managers & Company of the Berks & Dauphin turnpike road," vol 4, p. 216, reviv. vol 5, p. 368.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the sum of seven hundred dollars be, and the same is hereby appropriated for the purpose of improving the road laid out from Millersburg, in Dauphin county, up the river Susquehanna, through the narrows of Mahantongo mountain, to the mouth of Mahantongo creek; and the state treasurer is hereby authorised and required to pay the commissioners of Dauphin county the aforesaid sum, and they shall be accountable for the faithful discharge of the same in the settlement of their accounts with the auditors of said county: And that the sum of thirteen hundred dollars be, and the same is hereby appropriated for the purpose of improving the road laid out from Mahantongo creek, in the county of Northumberland, up the river Susquehanna, through several narrows, to Sunbury, in the county aforesaid; and the state treasurer is hereby authorised and required to pay the commissioners of Northumberland county the aforesaid sum, and they shall be accountable for the faithful discharge of the same in the settlement of their accounts with the auditors of said county.

\$700 from Millersburg to Mahantongo.

\$1300 from Mahantongo to Sunbury.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the governor be, and he is hereby authorised and required to subscribe, on behalf of the commonwealth, for three hundred shares of the stock of the company for making an artificial road from the Wilkesbarre and Easton turnpike road, near the wind gap of the blue mountain, through Nazareth by Butt's tavern, Nantz's run, Hellerstown, and thence by the nearest and best route to intersect the

300 shares to "The Wind-Gap, Nazareth & Hellerstown Turnpike Company," ch 4396.

\* The governor to subscribe 14,000 dollars to the stock of this company, (ch. 4895, § 26.)

1817.

Spring-house, Northampton and Bethlehem turnpike road, when such company shall be incorporated : and as soon as any section of said road, not less than five miles, shall be completed and approved, the governor is further authorised and required to draw his warrant on the state treasurer in favour of the said company. for such part of the amount of stock to be paid by the commonwealth as shall be in proportion to the whole distance of the said turnpike road, and so from time to time until the whole of said road shall be completed.

1000 shares  
to 'The  
Prest Man.  
and Comp. of  
the Monon-  
gahela navi-  
gation comp.  
ch. 4431.

SECT. 8. *And be it further enacted by the authority aforesaid,* That as soon as a company shall have been incorporated by the governor, to make a lock navigation on the Monongahela river, he is hereby authorised and required to subscribe, in behalf of this commonwealth, for one thousand shares of the stock of said company, at thirty dollars for each share ; to be paid upon warrants drawn by the governor on the state treasurer of this commonwealth, in favor of the president and managers of said company, on the same terms and in the same proportions as instalments are paid on their respective shares.

\$400 to state  
road through  
Somerset,  
Fayette and  
Greene.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the sum of four thousand dollars be, and the same is hereby appropriated to be paid to the commissioners of Somerset, Fayette and Greene counties, two thousand dollars thereof to the commissioners of Greene county, to be paid on warrants drawn by the governor on the treasurer of this commonwealth, the residue in equal shares between the commissioners of Fayette and Somerset counties, to be by them expended in improving a state road which passes through said counties in a direction to the flats of Grave creek.

300 shares to  
Cayuga and  
Susquehanna  
turnpike.

Incorporated  
by N. York.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the governor of this commonwealth be, and he is hereby authorised and required to subscribe, on behalf thereof, three hundred shares of stock of the Cayuga and Susquehanna turnpike road company, incorporated by the state of New York, by an act passed the tenth day of June, one thousand eight hundred and twelve ; which shares being twenty dollars each, will amount to six thousand dollars, payable in the following manner ; One third part when satisfactory evidence shall be exhibited to the governor that a section of ten miles of the road shall have been completed, and a toll gate erected ; one other third part when the like evidence shall be exhibited as aforesaid, that another ten miles shall have been completed and a gate erected ; and the remaining one third part when evidence is exhibited as aforesaid, that the whole road is completed agreeably to the provisions of the act incorporating the said company, to be paid on warrants drawn by the governor on the state treasurer : *Provided,* That the president and directors shall execute and deliver to the governor a good and sufficient bond, obligatory on the said company, to declare and pay to the treasurer of this state such dividend as may arise upon the stock paid for by virtue of this section, of monies received for toll upon the section of the said road, until the whole road is completed, and the last instalment which will





be due under the provisions of this section is paid, from and after which time a regular dividend of six per cent. shall, by bond executed as aforesaid, be secured to be paid by the said company upon the amount of stock subscribed by virtue of this section, and paid annually into the treasury of this commonwealth: and that the said company shall and are hereby authorised to make a turnpike road from the point where the aforesaid road shall terminate to the village of Athens on Tioga Point, to be laid out in such manner as the said president, directors and company may think proper, subject to the same duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to the like tolls and profits, in proportion to the distance, as are given and granted to the Susquehanna and Tioga turnpike road company. Vol 4, p. 340.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the sum of seven hundred dollars be, and the same is hereby appropriated to aid in the erection of wharves or embankments in front of the town of Kittaning in Armstrong county, so far as the same may be found necessary in order effectually to bar the further encroachments of the Allegheny river upon said town; and that Robert Brown, Henry Jack and Michael Macklin be and they are hereby appointed commissioners to superintend the application of the monies hereby granted, and as soon as the said commissioners shall give satisfactory evidence to the state treasurer, that the sum of eight hundred dollars is subscribed by individuals, and the payment thereof secured, for the purpose of erecting the wharves or embankments aforesaid, and bond with sufficient sureties, to be taken by the prothonotary of Armstrong county, and filed in his office, for the faithful application of the monies hereby granted, within one year from the date of said bond, the state treasurer shall pay the said sum of seven hundred dollars to the said commissioners or their order: And the county commissioners of the said county of Armstrong are hereby authorised to subscribe and pay out of the county treasury such sum of money as by them may be deemed expedient to be applied in aiding the erection and completion of said wharves or embankments: *Provided,* That the said commissioners shall receive no compensation for the service hereby enjoined. \$700 to erecting wharves, &c. at Kittaning. Commissioners of Armstrong may subscribe.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the governor be, and is hereby authorised and required to subscribe, on behalf of this commonwealth, for two hundred shares of the stock of the Bellmont and Easton turnpike road; and so soon as the first section of the said road, not less than ten miles, shall be completed and approved, the president and managers of the said company shall certify the same to the governor, who shall then draw his warrant on the state treasurer, in favor of the said president and managers, for the sum of three thousand dollars; and so soon as one other section, not less than ten miles, shall be completed and approved, the governor then shall, upon certificate of the said president and managers, draw his warrant for the further sum of three thousand dollars; and so soon as the distance of not less than forty miles shall be finished and approved (and certified as aforesaid) the 200 shares to 'The President Managers & Company of the Bellmont and Easton Turnpike,' vol. 5, p. 316.

1817. governor shall draw his warrant in like manner for the further sum of four thousand dollars, on the state treasurer.\*

§8000 for the piers at Chester, see ch. 4207, and notes thereto.

Ch. 4207.

How commissioners to settle accounts.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the sum of eight thousand dollars be, and the same is hereby appropriated to be employed in the erection of two additional piers and otherwise completing the harbour on the river Delaware at the borough of Chester, in Delaware county, so as to make the said harbor safe and commodious for vessels of large size navigating said river; and the state treasurer is hereby required, whenever the said work shall be recommenced, to pay to the commissioners hereinafter named, or their order, one half of the said sum, and the remainder thereof on the first day of June, eighteen hundred and eighteen, or so soon thereafter as the said work shall be completed; and Joseph Engle, William Anderson and William Graham, are hereby appointed commissioners to superintend the application of the said monies, and in the manner prescribed by the sixth section of the act, entitled "An act making an appropriation for the erection of piers in the river Delaware, at the borough of Chester, in Delaware county," passed the eleventh day of March, one thousand eight hundred and sixteen, shall give bond, with two or more sufficient sureties, for the faithful and judicious application of the said monies, which bond shall be filed in the office of the state treasurer; and the accounts of said commissioners, when the said work is completed, shall be settled and adjusted in the manner and under the restrictions prescribed by the fifth section of the aforesaid act; and if the said commissioners shall not proceed with the erection of said piers within one year after the passing of this act, or shall not within three years thereafter finish and complete the said work, then and in either of those cases the appropriation hereby granted shall revert to this commonwealth: *Provided*, That the said commissioners, before they receive any part of the said monies, shall give satisfactory evidence to the state treasurer, that a sum of money sufficient to carry on shore and complete the construction of the wharf necessary to be connected with said piers, has been subscribed by individuals, and the payment thereof secured for that purpose: *And provided*, That the aforesaid commissioners shall receive no compensation or reward for their services.

§800 to improve Mahoning creek.

§100 to Red Bank creek,

§200 for Toby's creek.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the sum of eight hundred dollars be, and the same is hereby appropriated for the purpose of removing obstructions in Big Mahoning creek, and improving the navigation of the same between the mouth of Little Mahoning and the confluence of said creek with the river Allegheny: And that the sum of one thousand dollars be, and the same is hereby appropriated for the purpose of improving the navigation of Red Bank creek from the mouth thereof as far up as it is declared navigable: That the sum of two hundred dollars be, and the same is hereby appropriated for the purpose of improving the navigation of Toby's creek: and William Travis and Joseph Marshall be, and they are hereby appointed commissioners to superintend the application of the monies hereby granted for improving the

\* Governor to subscribe 150 shares, ch. 4895 sect. 32.

navigation of Big Mahoning creek, and Levi Gibson and Samuel C. Orr be, and they are hereby appointed commissioners to superintend the application of the monies hereby granted for the improvement of Red Bank and Toby's creeks. 1817.  
Commission-  
ers.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the sum of fifteen hundred dollars be, and the same is hereby appropriated for the purpose of improving the navigation of the Conemaugh river, from the town of Conemaugh, in Cambria county, to Jacob Liebengood's: And that the sum of fifteen hundred dollars be, and the same is hereby appropriated for the purpose of improving that part of the road from Frankstown to the town of Conemaugh that lies between Bob's creek and the aforesaid town of Conemaugh, to be paid to Isaac Proctor and Garret Rheam, of Cambria county, and Fullerton Woods, of Indiana county, to be by them judiciously expended according to the true intent and meaning of this section. \$1500 to  
Conemaugh.  
\$1500 for the  
road from  
Frankstown  
to Cone-  
maugh.  
Commission-  
ers.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the sum of three thousand dollars be, and the same is hereby appropriated for opening and clearing out a road to be laid out from the north line of Pennsylvania, in the county of Warren, to Meadville, in the county of Crawford; which sum shall be paid by the treasurer of this commonwealth to the commissioners of the county of Crawford, on their draft for the same, at any time after the draft of the road shall have been filed in the office of the secretary of this commonwealth; and the said commissioners of the county of Crawford shall expend the whole of said money hereby granted, in opening and clearing out said road, in proportion to the distance it shall run in the counties of Warren and Crawford respectively, and shall account with the auditors of the county of Crawford, in the same manner as the accounts of the county are audited and settled. \$3000 for a  
road from the  
north line of  
the state to  
Meadville.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorised and required to subscribe, on behalf of this commonwealth, for fifty shares of stock of the company for making a turnpike road from the Blue Ball tavern, through New Holland to Binkley's bridge, from thence to the borough of Lancaster; and as soon as any section of said road (not less than five miles) shall be completed and approved of, as is directed by the act incorporating the said company, the governor is further authorised and required to draw his warrant on the state treasurer, in favour of the said company, for such part of the amount of stock to be paid by the commonwealth, as shall be in proportion to the whole distance of the said road, and so from time to time until the whole of the road shall be completed.\* 50 shares to  
"The Pres.  
Man. & Com.  
of the New  
Holland turn-  
pike road,"  
vol. 5, p. 160.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the sum of two thousand dollars be, and the same is hereby appropriated for the purpose of laying out, opening and making a public road from the borough of Easton, in Northampton county along the bank of the river Delaware, to intersect the present stage road from the city of Philadelphia to the borough aforesaid, at or \$2000 for a  
road from  
Easton to  
Adam Ro-  
mig's tavern.

\* Governor to subscribe 5000 dollars, (ch. 4985, § 63.)

1817. near Adam Romig's tavern in Bucks county; and for that purpose James Hays and Christain Bixler, of Northampton, and Michael Fachenthal, of Bucks county, or any two of them, are hereby appointed commissioners to lay out the monies appropriated by this section.

\$3000 for the state road from Blair's Gap to the western boundary.

Bridge over Black Lick creek.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the sum of three thousand dollars be, and the same is hereby appropriated for the purpose of improving that part of the state road from Blair's Gap to the western boundary of the state, which lies between Griffith's mill, in Indiana county, and the Frankstown road, in Cambria county, and for erecting a bridge over the west branch of Black Lick creek, at the place where the first mentioned road crosses the same; and David Todd, John Graham and John Denniston are hereby appointed commissioners to superintend the application of the monies hereby granted.

\$600 for a bridge over Buffalo creek

SECT. 20. *And be it further enacted by the authority aforesaid,* That the sum of six hundred dollars be, and the same is hereby appropriated, to be paid by a warrant drawn by the governor on the state treasurer, to the commissioners of Armstrong county, for erecting a bridge over Buffalo creek, where the road from Pittsburg to Kittaning, and from Greensburg to Erie crosses said creek.

100 shares to "The Pres. Man. & Com. for erecting a bridge over French creek at the town of Franklin, (ch 4397)

SECT. 21. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby directed to subscribe one hundred shares, at twenty dollars a share, to the stock of the company to be incorporated for the erection of a bridge over French creek, at the town of Franklin, in Venango county; one fourth to be paid by the treasurer of this commonwealth on an order drawn by the president of said company, as soon as the contracts are made for the building of said bridge, one fourth as soon as the abutments and piers of the said bridge shall be erected, and the remainder when the said bridge shall be completed, on a like order from the president as aforesaid.\*

\$10,000 to "The Pres. Man. & Com. of the Bridge-water and Wilkesbarre turnpike," vol. 5, p. 246.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorised and required to subscribe, on behalf of the commonwealth, ten thousand dollars in the capital stock of the Bridgewater and Wilkesbarre turnpike road; and as soon as any five miles shall have been completed, it shall be lawful for the governor to draw his warrant on the state treasurer for fifteen hundred dollars, and a like sum for every five miles until the whole sum shall be drawn.

\$5000 to "The Pres. Man. & Com. of the Milford and Owego turnpike road," vol 4, p. 359 See ch. 3800, and § 30 of this act.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorised and required to subscribe, on behalf of this commonwealth, five thousand dollars to the capital stock of the Milford and Owego turnpike road company; and as soon as any five miles shall be completed between the forty-third mile stone and the village of Montrose, it shall be lawful for the governor to draw his warrant on the state treasurer for twelve hundred and fifty dollars, and a like sum for every five miles until the whole sum shall be drawn.†

\* Governor to subscribe 10,000 dollars, (ch. 4985, § 11.)

† Four hundred shares to be subscribed, (vol 5, p. 271.) When 20 miles completed governor to draw his warrant for 10,000 dollars, (ch. 3800.) Governor to subscribe 10,000 dollars, (ch. 4985, § 9.)

SECT. 24. *And be it further enacted by the authority aforesaid,* 1817.  
That the governor be, and he is hereby authorised and required to subscribe, on behalf of the commonwealth, for four hundred shares of the stock of the company for making an artificial road from Jersey shore, in the county of Lycoming, to Coudersport, in the county of Potter; and as soon as any section of the said road (not less than ten miles) shall be completed and approved of, the governor is further authorised and required to draw his warrant on the state treasurer in favour of the said company, for such part of the amount of stock to be paid by the commonwealth, as shall be in proportion to the whole distance of the said turnpike road, and so from time to time until the whole of the said road shall be completed.

400 shares to  
"The Pres.  
Man. & Com.  
of the Ly-  
coming and  
Potter turn-  
pike road,"  
ch. 4183. Ex-  
tended ch.  
4799. See  
also ch. 4651.

SECT. 25. *And be it further enacted by the authority aforesaid,*  
That the sum of five hundred dollars be, and the same is hereby appropriated for the improvement of a road over the White-deer Hole mountain, through the Rattling Gap, into Nippinose valley, in the county of Lycoming, to be paid to the order of Henry Antes, junior, Abraham Lawsha and James Collins.

\$500 for the  
road over  
White-deer  
hole moun-  
tain.

SECT. 26. *And be it further enacted by the authority aforesaid,*  
That the governor is hereby authorised and required to subscribe, in behalf of this commonwealth, the sum of ten thousand dollars in the capital stock of the Gap and Newport turnpike road; to be paid by the state treasurer on warrants drawn by the governor, at any time after it shall be certified to him by the president and managers of said company, that the aforesaid road is completed.\*

\$10,000 to  
"The Pres.  
Man. & Com.  
of the Gap &  
Newport  
turnpike road  
company."  
Vol. 4 p 395.

SECT. 27. *And be it further enacted by the authority aforesaid,*  
That the governor be, and he is hereby authorised and required to subscribe, on behalf of the commonwealth, to the stock of the Huntingdon, Cambria and Indiana turnpike road company, six hundred additional shares, to be applied exclusively to that part of the said road between Blair's Gap and Martin Reger's; and as soon as five miles of the said road shall be completed and approved of, the governor shall draw his warrant on the state treasurer, in favour of the said company, for such part of the said additional subscription as any such section of the said road shall be entitled to, in proportion to the distance between Blair's Gap and the house of Martin Reger; and it shall be the duty of the president and managers of the said company, and they are hereby required to locate, on or before the first day of June next, that part of the said road which they were authorised by the act of the twenty-six of February, one thousand eight hundred and sixteen, to make and complete, according to the directions of the said act, which lies between the house of Martin Reger and the crossing of Big Conemaugh river.†

600 shares to  
"The Pres.  
Man. & Com.  
of the Hunt-  
ingdon Cam-  
bria and In-  
diana turn-  
pike Road,"  
vol. 5, p. 156.

SECT. 28. [Repealed, (ch. 4555, § 21.)]

SECT. 29. *And be it further enacted by the authority aforesaid,*  
That the sum of one thousand five hundred dollars be, and the same is hereby appropriated for the purpose of erecting a bridge over the Great Conewago creek, where the state road leading from Harrisburg to the borough of Gettysburg, in the county of Adams,

\$1500 for the  
bridge over  
the Great  
Conewago  
creek.

\* Governor to subscribe for 100 shares, (ch. 4895, § 20.)

† Governor to subscribe 700 additional shares, (ch. 4895, § 3.)

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crosses the same: and the commissioners of the said county, so soon as the said bridge shall be completed and the same shall have been approved of by the court and grand jury of the said county, shall make report thereof to the governor, and when approved by him, he is hereby authorised to draw his warrant on the state treasury, in favour of the said commissioners, for the above amount to be by them applied in the discharge of so much of the expense incurred in erecting said bridge.

SECT. 30. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorised and required to draw his warrant on the state treasurer, in favour of the president and managers of the Milford and Owego turnpike, for the sum of ten thousand dollars, heretofore appropriated, which said sum the state treasurer is hereby required to pay: *Provided,* That the said president and managers give sufficient security to the governor, that the said sum shall be expended according to the true intent of the act directing the manner in which certain money appropriated in aid of the Milford and Owego turnpike road shall be expended, passed on the twenty-ninth day of March, one thousand eight hundred and thirteen.

SECT. 31. *And be it further enacted by the authority aforesaid,* That as soon as the company shall be incorporated for making an artificial road from the court house in the borough of Beaver, through Greensburg, to the state line near Petersburg, in the state of Ohio, the governor be, and he is hereby authorised and required to subscribe, on behalf of this commonwealth, the sum of fifteen thousand dollars of the stock of the said company; and the governor is also required, as soon as any distance not less than five miles of the said road shall be completed and approved of, to draw his warrant on the treasurer, in favor of the company, for such part of the said subscription as the said section or sections shall be entitled to, in proportion to the whole distance, and so on in proportion as the road progresses.

SECT. 32. *And be it further enacted by the authority aforesaid,* That the sum of five hundred dollars be and the same is hereby appropriated to be paid to Nathaniel M'Brier and James M'Cullough, junior, of Washington township, Westmoreland county, for the purpose of improving the state road from Indiana to Pittsburg so far as the same passes through said township.

SECT. 33. *And be it further enacted by the authority aforesaid,* That the sum of three hundred dollars be, and the same is hereby appropriated for the opening and improving of a road from Jonestown, in the county of Lebanon, to Wilkesbarre, passing through Northampton county, commencing at the line of Rush township, in the county of Schuylkill, to the line of Luzerne county, to be paid to William Major, or order, by a warrant drawn on the state treasurer by the governor, in his favor, and he shall give bond, payable to the commonwealth, with sufficient security to the satisfaction of the prothonotary of Schuylkill county, for the faithful and judicious expenditure of said monies agreeably to the provisions of this act.

SECT. 34. *And be it further enacted by the authority aforesaid,* That the sum of four hundred dollars be, and is hereby appropri-

\$10,000 to  
"The Pres.  
Man. & Com.  
of the Mil-  
ford and Owe-  
go turnpike  
road," vol 4,  
p. 359. See  
§ 23 of this  
act.

Ch. 3800.

\$15,000 to  
"The Pres.  
Man. & Com.  
of the Beaver  
and Greens-  
burg turn-  
pike road,"  
ch. 4427.

When and  
how paid.

\$500 for  
state road  
from Indiana  
to Pittsburg.

\$300 for  
road from  
Jonestown to  
Wilkesbarre.

ted for the purpose of repairing and improving the state road from the Franklin county line to the forks of the road on the top of Sidel-  
ling hill, in Bedford county; and the state treasurer is hereby au-  
thorised and required to pay the said sum of four hundred dollars  
to David Fields and George Dansdill, of Dublin township, in the  
county of Bedford, or to either of them.

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\$400 for the  
state road to  
Sidel-ling hill.

SECT. 35. *And be it further enacted by the authority aforesaid,*  
That the sum of sixteen hundred dollars be, and the same is hereby  
appropriated for the purpose of opening and improving a road laid  
out by commissioners appointed for that purpose, agreeably to an  
act of the legislature passed March the twenty-eighth, one thousand  
eight hundred and fourteen, entitled "An act to authorise the gov-  
ernor to appoint commissioners to lay out a road from the borough  
of Carlisle, in Cumberland county, to Littleton, in Bedford county,"  
and the same to be expended on that part of the road lying between  
Roxberry and Fort Littleton, part in Franklin, Huntingdon and  
Bedford counties, and the state treasurer is hereby authorised and  
required to pay the said sum of sixteen hundred dollars to John  
Deardorf, Joseph Cole and James M'Curdy, esquire, of Franklin  
county, and David Fields, of Bedford county, or to any two of  
them.

\$1600 for  
road from  
Carlisle to  
Littleton.

Ch. 3941.  
[This act  
omitted in its  
proper place  
will be found  
at the end of  
this vol.]

SECT. 36. *And be it further enacted by the authority aforesaid,*  
That the sum of two hundred dollars be, and the same are hereby  
appropriated to be paid to George M'Clellan and Philip Laufman,  
of Franklin county, who are hereby appointed commissioners to re-  
ceive and expend the same in improving the state road from Stras-  
burg to the Letterkenny township line on the top of the second  
mountain in said county.

\$200 for  
road from  
Strasburg to  
Letterkenny.

SECT. 37. *And be it further enacted by the authority aforesaid,*  
That the governor be, and he is hereby authorised and required to  
subscribe, on behalf of this commonwealth, for twenty thousand dol-  
lars of the stock of the Downingstown, Ephrata and Harrisburg  
turnpike road, in addition to the two hundred and fifty shares heret-  
ofore subscribed, or authorised to be subscribed in the stock of the  
said company, and to draw his warrant for the amount of the shares  
so subscribed, on the treasurer of this commonwealth, in favor of  
the president of the said company: *Provided,* That the sum hereby  
granted shall be expended in completing the said road, and not in  
discharging the debts of the company heretofore incurred; and  
that thirteen thousand dollars thereof shall be expended in making  
that part of the road between Harrisburg and Hummelstown.\*

\$20,000 to  
"The Pres.  
Man. & Com.  
of the Down-  
ingstown,  
Ephrata and  
Harrisburg  
turnpike  
road," vol. 4,  
p. 31.

SECT. 38. *And be it further enacted by the authority aforesaid,*  
That the sum of five hundred dollars is hereby appropriated to be  
paid to the commissioners of Indiana county, for the purpose of  
opening and completing so much of a road which has been viewed  
and laid out in pursuance of an act of assembly passed the twenty-  
fifth day of March, one thousand eight hundred and fourteen, from  
the town of Indiana to the borough of Pittsburg, as lies within the  
county of Indiana.

\$500 for  
road from  
Indiana to  
Pittsburg.

Ch. 3916.

\* Governor to subscribe 100 shares vol. 5, p. 60—150, vol. 5, p. 270—150, ch. 4895, sect. 55.



1817.



Big Swatara  
creek.

SECT. 39. *And be it further enacted by the authority aforesaid,* That the state treasurer be, and he is hereby directed to pay to Henry Zimmerman and John Albright, three hundred dollars, to be expended in improving the navigation of Big Swatara creek, in the county of Schuylkill, between Barnhart Minich's and Fox valley.

§2000 for a  
road in Mer-  
cer co. &c.

SECT. 40. *And be it further enacted by the authority aforesaid,* That the sum of two thousand dollars be, and the same is hereby appropriated for the purpose of opening and improving so much of the state road laid out through the borough of Mercer to the state line in a direction to Warren in the state of Ohio, as lies between the said borough of Mercer and the town of Sharon, in Mercer county, and for the erection of a bridge over the river Shenango at the town of Sharon, where the aforesaid road crosses the same; and the state treasurer is hereby authorised and required to pay the said sum to the order of Charles Reno, William Budd and Bevan Pearson, or a majority of them.

§9000 to  
"The Pres.  
Direc. & Com.  
for erecting a  
perm. bridge  
over the Sus-  
qu. at or near  
M'Call's fer-  
ry," 5 vol. 222

SECT. 41. *And be it further enacted by the authority aforesaid,* That the governor be, and he hereby is authorised and required to loan to the president, directors and company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's ferry, the sum of nine thousand dollars, to be paid by the state treasurer on their giving security by a judgment and mortgage on the real estate of said company, for the payment of the same, with legal interest, within the term of five years after the said loan shall be obtained.\*

260 shares to  
"The Pres.  
Man. & Com.  
of the Perki-  
omen & Read-  
ing turnpike"  
vol. 5, p. 146.

SECT. 42. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorised and required to subscribe, on behalf of the commonwealth, for two hundred and sixty shares of the stock of the company for making an artificial road from the west end of Perkiomen bridge in Montgomery county, to the borough of Reading, in Berks county, and to draw his warrant on the state treasurer, in favour of the president of said company.†

SECT. 43. *And be it further enacted by the authority aforesaid,* That the sum of one thousand dollars be, and the same is hereby appropriated for the purpose of improving the Glade road from the top of the Allegheny mountain, in Somerset county to Jones's mill, in Westmoreland county, to be paid to the commissioners of Somerset and Westmoreland counties in proportion to the distance of the road contemplated to be improved in each of said counties.

100 shares to  
"The Pres.  
Man. & Com.  
of the Morg.  
Church. and  
Blue Ball  
turnpike  
road," ch.  
4039.

SECT. 44. *And be it further enacted by the authority aforesaid,* That the governor be, and he is hereby authorised and directed to subscribe, on behalf of this commonwealth, for one hundred shares of the stock of the Morgantown, Churchtown and Blue Ball turnpike road, in the county of Berks, and continued to the Blue Ball tavern, in Lancaster county, to draw his warrant for the amount of the shares so subscribed, on the treasurer of this commonwealth, in favour of the president of the said company.‡

\* The governor authorised to subscribe 20,000 dollars, (vol. 5, p. 401.) The loan of 9000 dollars released to the company, (ch. 4557)

† Governor to subscribe 150 shares, (vol. 5, p. 197,) and 150 shares, (p. 374,) also 500 shares, (ch. 4985, § 15)

‡ Governor to subscribe 4000 dollars, (ch. 4985, § 64.)



SECT. 45. *And be it further enacted by the authority aforesaid,* 1817.  
 That the sum of two thousand dollars be, and the same is hereby appropriated to aid in the erection of a bridge over the Loyalhanna creek, at New Alexandria, in the county of Westmoreland, to be paid on a warrant drawn by the governor, in favour of Alexander Craig, Nicholas Day and Robert Rainey, who are hereby appointed commissioners to receive the same and to superintend the expenditure thereof; which said commissioners shall be responsible for the proper application of the said sum, and liable to refund the same to the commonwealth, unless within two years from the receipt thereof they shall have erected a good and substantial bridge across the said creek, and shall have presented their accounts to the Court of Quarter Sessions of said county, and have the same approved of, and the said court is hereby authorised and required to examine and pass or reject the said accounts.

\$2000 for a bridge over Royalhanna creek.

SECT. 46. *And be it further enacted by the authority aforesaid,*  
 That the president and managers of the several companies to which subscriptions are directed to be made by virtue of this act, shall not on any occasion, or under any pretext whatever, receive for their services, out of the funds of the respective companies, more than two dollars for every day during which they are necessarily occupied in the duties of their offices respectively; and if it shall appear to the governor that the president or any of the managers of any of the said companies shall, from and after the first day of May next, have received out of the funds of such company more than the said sum of two dollars as aforesaid, he is hereby directed to withhold from such company all sums which may be due by virtue of this act, and make report thereof to the legislature at its next session; and the president and managers of each of the said companies respectively, shall annually in the month of December, transmit to the auditor general a detailed statement of the affairs of the company, shewing the progress of the work, and the debts, credits and expenses of the company, which shall be submitted by the auditor general to the legislature then in session.

Officer of companies to receive no compensation.

When money to be withheld.

Companies to exhibit annually statement of their affairs, &c.

SECT. 47. *And be it further enacted by the authority aforesaid,*  
 That if either of the persons appointed by this act remove, die or neglect to perform the duties assigned them by this act, the Courts of Quarter Sessions of the proper counties are hereby authorised to supply such vacancy; and the said persons respectively are hereby authorised and required to lay out the monies by them drawn for the improvements mentioned in the preceding sections of this act, according to the best of their judgment and abilities, and they shall each be entitled to receive, as their sole compensation, two dollars a day for the time necessarily spent by them in performing their said duties, on orders drawn by the county commissioners on the treasurers of the respective counties, in proportion to the distance such road may pass through the same; and the said persons hereby appointed or to be appointed as aforesaid, shall not, nor shall either of them, be concerned directly or indirectly in their private capacity in any contract made by virtue of this act; and the persons hereby appointed or to be appointed as aforesaid, shall give bond, payable to the commonwealth, with sufficient security to the satisfaction of the

Vacancies among commissioners.

Compensation to commissioners.

Not to be concerned in contracts.

Bonds to be given.

1817.

Accounts to  
be settled by  
the Court of  
Q. S.

Roads to be  
viewed.

Certificates  
of stock to be  
delivered to  
the treasurer.

prothonotaries" of the respective counties, which shall be filed in their office, conditioned for the faithful and judicious expenditure of said money, according to the true intent and meaning of this act, a certificate of which shall be given by said prothonotaries, and be exhibited to the treasurer of this commonwealth, who shall thereupon pay the aforesaid sums in the manner before mentioned; and it shall be the duty of the persons hereby appointed or to be appointed as aforesaid, within two years from and after the drawing or receiving of said monies, or sooner if required, to exhibit their accounts, on oath or affirmation, to the Court of Quarter Sessions of the counties in which such bond shall have been given, who shall have full power and authority to settle and adjust the same; but before the passing of such accounts the said courts shall appoint two reputable citizens, whose duty it shall be to view the said roads, bridges or improvements, and report to the said courts whether such monies have been in their opinion judiciously expended or not; and if it shall appear to the courts to whom such viewers are directed to make report, that the monies have not been judiciously expended, agreeably to the provisions of this act, the courts shall cause said bonds to be put in suit; and the said viewers shall receive like pay and in like manner as the persons appointed by this act are to be paid.

SECT. 48. *And be it further enacted by the authority aforesaid,* That in all cases where subscriptions are made on the part of the commonwealth, under this act, to the stock of any incorporation or company, certificates of shares to the amount of such subscription shall be delivered to the state treasurer, and shall vest in the said commonwealth all the rights and emoluments appertaining to a share or shares as held by individual stockholders, and as often as a dividend shall be declared by the directors or managers of said companies, or either of them, the proportion thereof due to the state shall be paid by said corporation into the treasury of this commonwealth.\*

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 304.

NOTE.—See appropriations in the act and notes thereto. For various other appropriations, see title of companies, state roads, &c.  
for the improvement of the state, (vol. 4, p. 495, and vol. 5, p. 270.) See also ch. 4985, an act for the improvement of the state,

## CHAPTER 4438.

[Vol. 5, p. 45, A further supplement to an act, entitled An act to authorise the governor to appoint commissioners for the purpose of laying out a road beginning at or near Kelso's ferry, in Cumberland county, through York and Adams counties, to the Maryland line, in a direction to the city of Washington." sup. 220]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the governor be, and he is hereby authorised to appoint three

\* Treasurer of all corporations, (banks excepted,) in which the commonwealth have stock, on which dividends declared, to pay the states proportion within 60 days after declaration, and on failure, governor to instruct attorney general to commence suit. Ch. 4267.

commissioners to lay out, mark and extend the state road mentioned in the said act to which this is a further supplement, beginning at or near the house of Jacob Bigler, in East Pennsborough township, in the county of Cumberland, in a north-east direction until said road shall intersect the Harrisburg and Pittsburg turnpike road at such point as the commissioners shall think proper: And the commissioners appointed shall proceed to perform the said service at such time or times as the governor shall direct, and shall make out and deposit a draft of the said road in the office of the clerk of the Court of Quarter Sessions in the county of Cumberland, together with the width of said road, and it shall be the duty of the said clerk to enter the same of record, and it shall from thenceforth be a public highway, and shall be opened and kept in repair as roads laid out by the Courts of Quarter Sessions in the county aforesaid; and the said commissioners and those employed by them for the purpose aforesaid, shall have and receive for their service the same compensation as is allowed by the second section of the act to which this is a further supplement, and to be paid in the same manner by the commissioners of the county of Cumberland.

1817.

To commence at Bigler's, to intersect the Harrisburg and Pittsburg turnpike. Draft to be deposited with the clerk of the Q. S.

Compensation.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 324.

## CHAPTER 440.

An act establishing certain election districts.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That the electors of the township of Fawn, in the county of York, shall hold their general elections at the house now occupied by John Nickel, in said township.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the electors of the township of Springfield, in the county of Bradford, shall hold their general elections at the house now occupied by Gurdon Grover, in said township.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the electors of the township of White Deer, in the county of Union, shall hold their general elections at the house now occupied by Samuel Miller, in said township.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the electors of the district of Harford and Lenox, in the county of Susquehanna, shall hold their general elections at the house now occupied by Jacob Blake, in said district.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the electors of Maiden creek township, in the county of Berks, shall hold their general elections at the house now occupied by Catharine Gift, in said township.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the electors of Long Swamp township, in the county of Berks, shall hold their general elections at the house now occupied by Peter Trexler, in Mertztown, in said township.

1817. *SECT. 7. And be it further enacted by the authority aforesaid,*  
 Clearfield. That Baccaria township, and part of Bradford township, lying south of an east line beginning at the mouth of Wheatland run and running to the Mushannon creek, in the county of Clearfield, be a separate election district, and that the electors thereof shall hold their general elections at the house now occupied by John Cree, in Baccaria township.
- SECT. 8. And be it further enacted by the authority aforesaid,*  
 Centre. That that part of Rush township, in the county of Centre, lying west of the Allegheny mountain, and all that part of Bradford township, in the county of Clearfield, lying north of a line beginning at the mouth of Wheatland run and running to the Mushannon creek, in the county of Clearfield, be a separate election district, and that the electors thereof shall hold their general elections at the house now occupied by George Smell, in Bradford township.
- SECT. 9. And be it further enacted by the authority aforesaid,*  
 Berks. That the electors of Earl township, in the county of Berks, shall hold their general elections at the house now occupied by Jacob Pennepacker, in said township.
- SECT. 10. And be it further enacted by the authority aforesaid,*  
 Luzerne. That the electors of Union township, in the county of Luzerne, shall hereafter hold their general elections at the house now occupied by Ichabod Shaw, in said township.
- SECT. 11. And be it further enacted by the authority aforesaid,*  
 Allegheny. That the electors of that part of Indiana township, in the county of Allegheny, beginning at the Allegheny river at Alexander Logan's ferry, thence along the Butler road until it strikes the line of Deer township, shall hold their general elections at the Deer township election district.
- SECT. 12. And be it further enacted by the authority aforesaid,*  
 Susquehanna. That the electors of Springville township, in the county of Susquehanna, shall hold their general elections at the house now occupied by Leonard Baldwin, in said township.
- SECT. 13. And be it further enacted by the authority aforesaid,*  
 Venango. That Allegheny township, and that part of Brokenstraw township which formerly elected at Thomas Gott's, in the county of Venango, be a separate election district, and that the electors thereof shall hold their general elections at the house now occupied by William Neill, in Allegheny township.
- SECT. 14. And be it further enacted by the authority aforesaid,*  
 Westmoreland. That the electors of Fairfield township, in the county of Westmoreland, shall hold their general elections at the house now occupied by James Lawson, in said township.
- SECT. 15. And be it further enacted by the authority aforesaid,*  
 Crawford. That the electors of Conneaut township, in the county of Crawford, shall hold their general elections at the house now occupied by Thomas O. Hall, in said township.
- SECT. 16. And be it further enacted by the authority aforesaid,*  
 Union. That the electors of West Buffaloe township, residing within the bounds of the second election district, in the county of Union, shall hold their general elections at the house now occupied by John Stitzer, in said township.

SECT. 17. *And be it further enacted by the authority aforesaid,* 1817.  
That the electors of Shade township, in the county of Somerset, shall hold their general elections at the house now occupied by Jacob Somerset Cable, in said township.

SECT. 18. *And be it further enacted by the authority aforesaid,*  
That the electors of Sergeant township, in the county of M'Kean, M'Kean. shall hold their general elections at the house lately occupied by Edmund Newton, in the town of Instanter.

SECT. 19. *And be it further enacted by the authority aforesaid,*  
That the electors of Old Chinchalamoose township, in the county of Clearfield. Clearfield, shall hold their general elections at the house now occupied by William Bloom, junior, in said county.

SECT. 20. *And be it further enacted by the authority aforesaid,*  
That the electors of Neshanock township, in the county of Mercer, Mercer. shall hold their general elections at the house now occupied by John Hunter, in said township.

SECT. 21. *And be it further enacted by the authority aforesaid,*  
That the electors of the fourth election district, in the county of Adams. Adams, shall hold their general elections at the house now occupied by Isaac Sadler, in the town of Petersburg, in the township of Huntingdon.

SECT. 22. *And be it further enacted by the authority aforesaid,*  
That the electors of Fermanagh township, in the county of Mifflin, Mifflin. shall hold their general elections in the Union school-house, in Mifflintown, in said township.

SECT. 23. *And be it further enacted by the authority aforesaid,*  
That the electors of Hartly township, in the county of Union, Union. shall hold their general elections at the house now occupied by John Wilson, in the town of Hartleton, in said township.

SECT. 24. *And be it further enacted by the authority aforesaid,*  
That the township of Bridgewater, in the county of Susquehanna, Susquehanna shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Chapman Cars, in said township.

SECT. 25. *And be it further enacted by the authority aforesaid,*  
That the township of Waterford, in the county of Susquehanna, Susquehanna shall be an election district, and the electors thereof shall hold their general elections at the house now occupied by Cyril Gideons, in said township.

SECT. 26. *And be it further enacted by the authority aforesaid,*  
That the townships of Gibson and Jackson, in the county of Susquehanna, Susquehanna shall be an election district, and the electors thereof shall hold their general elections at the house of James Bennets, in the township of Gibson.

SECT. 27. *And be it further enacted by the authority aforesaid,*  
That the electors of the first election district in the county of Lehigh, Lehigh. shall hereafter hold their general elections in the court house in the borough of Northampton.

SECT. 28. *And be it further enacted by the authority aforesaid,*  
That the township of Perry, in the county of Jefferson, shall be a Jefferson. separate election district, and the electors thereof shall hold their ge-

1817.

neral elections at the house now occupied by John Bell, in said township.

Beaver.

SECT. 29. *And be it further enacted by the authority aforesaid,* That the electors of North Beaver township, in the county of Beaver, shall hold their general elections at the house now occupied by William Henry, in said township.

Dauphin.

SECT. 30. *And be it further enacted by the authority aforesaid,* That the township of Lower Paxton, in the county of Dauphin, shall be a separate election district, and the electors thereof shall hold their general elections at Jacob Plank's tavern house, now occupied by John Walborn, in said township.

Luzerne.

SECT. 31. *And be it further enacted by the authority aforesaid,* That the township of Greenfield, in the county of Luzerne, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Micah Vail, in said township.

Luzerne.

SECT. 32. *And be it further enacted by the authority aforesaid,* That the township of Nicholson, in the county of Luzerne, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Ebenezer Stephens, in said township.

Philadelphia.

SECT. 33. *And be it further enacted by the authority aforesaid,* That the township of Bristol, in the county of Philadelphia, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jonathan Childs, in Branttown, in said township.

Philadelphia.

SECT. 34. *And be it further enacted by the authority aforesaid,* That the township of Moyamensing, in the county of Philadelphia, shall be a separate election district and the electors thereof shall hold their general elections at the place where the election for commissioners is usually held in said township.

Philadelphia.

SECT. 35. *And be it further enacted by the authority aforesaid,* That the unincorporated part of the Northern Liberties, of the county of Philadelphia, bounded as follows, to wit: Beginning at the river Delaware, at the mouth of Cohoesink creek; thence up the same to Sixth street, at the mill-dam; thence up the middle of said street to the Germantown and Perkiomen turnpike road; thence up the same to the intersection of the Germantown township line; thence along said line north-eastward to Logan's mill or creek; thence down said creek to the Frankford or Tacony creek; thence down said Tacony creek to the river Delaware; and thence down the same to the place of beginning; shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Vandike, the sign of the White Horse, on the Frankford turnpike road.

Bradford.

SECT. 36. *And be it further enacted by the authority aforesaid,* That so much of the township in the county of Bradford as will be included by a line beginning at the forty-fifth mile stone on the northern line of this state, and running thence south five miles to the line of Oswell township, thence west to the east line of Windham township, thence northerly along the said line to the forty-sixth mile stone on the aforesaid state line, thence east to the place of be-

ginning, together with the said township of Windham, in the county of Bradford, be, and the same are hereby declared to be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Benjamin I. Woodruff, in the said township of Windham.

SECT. 37. *And be it further enacted by the authority aforesaid,* That the township of Assylum, in the county of Bradford, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jonathan Terry, in said township. Bradford.

SECT. 38. *And be it further enacted by the authority aforesaid,* That the township of Lawrence, in the county of Tioga, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Enos Slawson, in said township. Tioga.

SECT. 39. *And be it further enacted by the authority aforesaid,* That the township of Deerfield, in the county of Tioga, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Daniel Cummings, in said township. Tioga.

SECT. 40. *And be it further enacted by the authority aforesaid,* That the electors of Elkland township, in the county of Tioga, shall hold their general elections at the house now occupied by John Ryan, in said township. Tioga.

SECT. 41. *And be it further enacted by the authority aforesaid,* That the electors of Columbia township, in the county of Bradford shall hold their general elections at the house now occupied by James Morgan, in said township. Bradford.

SECT. 42. *And be it further enacted by the authority aforesaid,* That the electors of Connequenessing township, in the county of Butler, shall hereafter hold their general elections in the town of Harmony, at the house called Wilson's tavern, in said township, and the said township shall be a separate election district; and the township of Muddy creek in said county, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Samuel Riddle, in said township. Butler.

SECT. 43. *And be it further enacted by the authority aforesaid,* That the electors of Pitt township, in the county of Allegheny, shall hereafter hold their general elections at the public school house in the village of Wilkinsburg, in said township. Allegheny.

SECT. 44. *And be it further enacted by the authority aforesaid,* That the electors of St. Clair township, within the following bounds, to wit: by the Monongahela river, from Streat's run, thence down the river to the mouth of Chartier's creek on the Ohio, thence up said creek to include John Bell's from thence to Willet's on Streat's run, including the farms of Robert Hays and James Bryson, to the mouth of said run, in the county of Allegheny, shall hold their general elections at the house of James Patterson (lock-smith) within the bounds aforesaid, and the same shall be a separate election district. Allegheny.

SECT. 45. *And be it further enacted by the authority aforesaid,* That the electors of Moon township, in the county of Allegheny, shall hold their general elections at the house of James Patterson (lock-smith) within the bounds aforesaid, and the same shall be a separate election district. Allegheny.

1817. shall hold their general elections at the house of Philip Hooper, sen. in said township.

Bucks.

SECT. 46. *And be it further enacted by the authority aforesaid,* That the electors of the township of Buckingham, in the county of Bucks, shall hold their general elections at the house now occupied by Matthew Hare, in said township.

Bucks.

SECT. 47. *And be it further enacted by the authority aforesaid,* That the electors of the township of Plumstead, in the county of Bucks, shall hold their general elections at the house where their township elections are now or hereafter may be held in said township.

Bucks.

SECT. 48. *And be it further enacted by the authority aforesaid,* That the electors of the township of New Britain, in the county of Bucks, shall hold their general elections at the house now occupied by Thomas Harris, in New Britain square in said township.

Bucks.

SECT. 49. *And be it further enacted by the authority aforesaid,* That the electors of the township of Bedminster, in the county of Bucks, shall hold their general elections at the house now occupied by Frederick Garis, in said township.

Bucks.

SECT. 50. *And be it further enacted by the authority aforesaid,* That the electors of Rockhill township, in the county of Bucks, shall hold their general elections at the house now occupied by John Hoot, in said township.

Bucks.

SECT. 51. *And be it further enacted by the authority aforesaid,* That the electors of Springfield township, in the county of Bucks, shall hold their general elections at the house now occupied by Abraham Radabush, in said township.

Bucks.

SECT. 52. *And be it further enacted by the authority aforesaid,* That the electors of Durham township, in the county of Bucks, shall hold their general elections at the house now occupied by Dennis Riley, in said township.

Northampton.

SECT. 53. *And be it further enacted by the authority aforesaid,* That the electors of Upper and Lower Nazareth townships, in Northampton county, shall hold their general elections at the court house in the borough of Easton, in said county.

Northampton.

SECT. 54. *And be it further enacted by the authority aforesaid,* That the electors of Towamensing township, in Northampton county, shall hold their general elections at the house now occupied by John Anthony, in said township.

Northampton.

SECT. 55. *And be it further enacted by the authority aforesaid,* That the electors of Ross township, in Northampton county, shall hold their general elections at the house now occupied by Jacob Frantz, senior, in said township.

Schuylkill.

SECT. 56. *And be it further enacted by the authority aforesaid,* That those parts of Manheim and Pinegrove townships, in the county of Schuylkill, lying within the following boundary : Beginning at the junction of the Branch and the river Schuylkill, thence down the said river Schuylkill to the mouth of Long run, thence in a direct line to Peter Berkheiser's house, thence to the cross road on the Summer hill, thence along said road to the county line between the counties of Schuylkill and Berks, thence along said county line southwardly opposite to John A. Brown's mill, thence in a direct line to the said John A. Brown's mill, thence in a direct line



to Peter Confer's saw mill, thence northwardly in a direct line to the Norwegian and Pinegrove township line, thence along the same to the Branch, thence down the same to the place of beginning, shall be a separate election district, and the electors thereof to hold their general elections at the house now occupied by Daniel Fenstermacher, in the town of Friedensburg.

SECT. 57. *And be it further enacted by the authority aforesaid,* That the electors of the third election district, consisting of the townships of Mountjoy and part of Donegal, in the county of Lancaster, shall hereafter hold their general and special elections at the house of George Redsecker, in the village of Elizabethtown in the county aforesaid. Lancaster.

SECT. 58. *And be it further enacted by the authority aforesaid,* That the boundaries of the seventeenth election district of the county of Lancaster, shall hereafter be as follows, to wit: Beginning at the east end of the borough of Marietta, at the river Susquehanna, thence down said river to the mouth of Chiquesalungo creek, thence up said creek to the forks thereof, thence up the Little Chiquesalungo creek to the Lancaster, Elizabethtown and Middletown turnpike road, thence along said road to the place where the road from Marietta to Colebrook furnace crosses the same, thence along the last mentioned road to the place where the road leading from Lancaster to Maytown crosses the same, thence along said last mentioned road to the place where Brice Clark's road crosses the same, thence along the said last mentioned road to the house of Christian Graybill, including the same, thence by a straight line to strike the division line between Francis Evans and Thomas Bailey, deceased, thence along the said division line to the river Susquehanna, thence down the said river to the place of beginning, and the electors within said district shall hold their general and special elections at the public school in the borough of Marietta. Lancaster.

SECT. 59. *And be it further enacted by the authority aforesaid,* That Plum township, in the county of Venango, shall be a separate election district, and the electors thereof shall hold their general elections at the house of John Lamberton, in said township. Venango.

SECT. 60. *And be it further enacted by the authority aforesaid,* That the electors of Mahoning township, in the county of Columbia, shall hold their general elections in the court house in the town of Danville. Columbia.

SECT. 61. *And be it further enacted by the authority aforesaid,* That the township of Tell, in the county of Huntingdon, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Nesbit Jefferies, in said township. Huntingdon.

SECT. 62. *And be it further enacted by the authority aforesaid,* That the township of Dublin, and that part of Springfield township which crosses the Shade mountain, in the county of Huntingdon, shall be a separate election district, and the electors thereof shall hold their general elections at the house of Alexander Blair, in Dublin township. Huntingdon.

SECT. 63. *And be it further enacted by the authority aforesaid,* That the electors of that part of Brunswig township, in Schuylkill county, lying within the following bounds: Beginning at the mill Schuylkill.

1817. of Michael Hartman, including the same, on the Little Schuylkill; thence to the house of said Michael Hartman, including the same; thence to the house of Christain Boyer including the same; thence to the house of John Matz, including the same; thence to the house of Samuel Stechter, including the same; thence to the house of Peter Albright, including the same; thence to the house of John Schæner, including the same; thence to the house of Peter Sheib, including the same, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Heissler, in M<sup>c</sup>Keansburg.

Lebanon.

SECT. 64. *And be it further enacted by the authority aforesaid,* That the electors of the township of East Hanover, in the county of Lebanon, shall hereafter hold their general elections at the house now occupied by John Harper, junior, in said township.

Venango.

SECT. 65. *And be it further enacted by the authority aforesaid,* That Cherrytree township, and that part of Sugar creek township which formerly elected at the house of Thomas Gott, in Venango county shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by James Hamilton, in Cherrytree township.

Westmoreland.

SECT. 66. *And be it further enacted by the authority aforesaid,* That the electors of East Huntingdon, and the parts of Heimfl d and Mount Pleasant townships, in the county of Westmoreland, now composing a district, shall hold their general elections at the house now occupied by John Loyd, innkeeper, in the town of Mount Pleasant.

Passed 24th March, 1817.—Recorded in Law Book No. XVI. p. 326.

## CHAPTER 4444.

An act concerning certain released and uncertified lands within the limits of the seventeen townships in Luzerne county.

Vol. 3, p. 362.

Proviso.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That all lands lying within any of what were formerly known as the Seventeen Townships in the county of Luzerne, under the act of the fourth day of April one thousand seven hundred and ninety-nine, and its supplements that have been heretofore released by Pennsylvania claimants under said acts, and not certified to Connecticut claimants, may be applied for, and titles shall be granted for the same in the same manner and on the same terms that other unappropriated lands within the said county are disposed of, and so much of the act of the fourth of April, one thousand seven hundred and ninety-nine, as requires the said released lands to be sold at public auction, is hereby repealed: *Provided, nevertheless,* That any person or persons having improved or heretofore claimed any of said lands, shall have a preference in making applications for two years and no longer, on payment of interest on purchase money from date of settlement: *And provided also,* That nothing herein contained shall be construed to extend to lands released by Penn-

sylvania claimants, lying within what are called "The Pitches," or to any tract or tracts or parts of tracts of land excluded by the original township lines, and for which compensation has not been made, but the same shall revert in the original owner or owners thereof, their heirs or assigns.

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Passed 25th March, 1817.—Recorded in Law Book No. XVI. p. 340.

NOTE.—See vol. 3, p. 362, vol. 5, p. 189, ch. 3777, 5045, and notes thereto.

## CHAPTER 4446.

An act to authorise the governor to incorporate a company for erecting a bridge over the river Lehigh, at the Water Gap, in Northampton county.

SECT. 1. [COMMISSIONERS named to receive subscriptions. Form. Price of shares 25 dollars. Notice to be given of the time and place of opening books. Five dollars a share to be paid on subscribing. 2. When 100 shares are subscribed by twenty persons, the governor on being informed of it by the commissioners may incorporate the subscribers by the name of "The President, Managers and Company for erecting a bridge over the river Lehigh at the Water Gap in Northampton county." Usual corporate privileges granted. 3. Notice to be given of the time and place of organizing the company. A president, six managers and a treasurer to be chosen by ballot. Authorised to build a bridge. To have like powers, under like restrictions with the company for erecting a bridge over the Lehigh at Northampton, (vol. 3, p. 290.) 4. Limitation for completing the work.]

Passed 25th March, 1817.—Recorded in Law Book No. XVI. p. 342.

## CHAPTER 4447.

An act to revive and continue an act, entitled "An act to enable the governor to incorporate a company to make an artificial road from the Philadelphia and Wilming- [Vol. 5, p. 241.] ton post road near John M'Ilvain's, to intersect the Philadelphia, Brandywine and New London turnpike road, on the land of George Davis, in Delaware county," and the act, entitled "An act to extend the powers of the president, managers [Ch 4079.] and company of the Ridley turnpike road."

SECT. 1. [THE act (vol 5, p. 241,) and the act (ch. 4079,) revived and the company incorporated under the first authorised to proceed. To carry on the work in 3 years and to complete it in 7 years or privileges to revert to the state.]

Passed 25th March, 1817.—Recorded in Law Book No. XVI. p. 345.

NOTE.—See ch. 4079, and notes thereto.

## CHAPTER 4449.

An act authorising the governor to incorporate the Washington and Pittsburg turn- [Sup. ch 4993.] pike road company.

SECT. 1. [COMMISSIONERS named to receive subscriptions. Form. Price of shares 50 dollars. Notice of the time and

1817. place of opening books. Commissioners may adjourn and transfer books. Books to be closed when 2000 shares are subscribed. Two and a half dollars to be paid on subscribing. 2. When 500 shares are subscribed by fifty persons the commissioners may certify it to the governor who may then incorporate the subscribers by the name of "The Washington and Pittsburg turnpike company." Usual corporate privileges granted. 3. Notice to be given of the time and place of organizing the company. A president, eight managers and treasurer to be chosen by ballot to serve one year. Company may make by-laws, &c. and have the same privileges under the same restrictions, &c. as the Harrisburg and Pittsburg turnpike company, (vol. 4, p. 279.) No toll to be taken from any person passing from one part of his farm to another; in, to or from any place of public worship, funeral, militia training, general election or from any child or student going to or from any school or seminary of learning. Road to be commenced in three and finished in ten years.]

Passed 25th March, 1817.—Recorded in Law Book No. XVI. p. 347.

NOTE—The 9th section of the act of in the text, (ch. 4993.) The governor the 9th March 1814, (ch. 3858,) prescribing the time when license may be granted to receive toll, extended to the act to subscribe 12,000 dollars to the stock of this company, (ch. 4985 § 23.)

## CHAPTER 4450.

[Sup. ch.  
4995.]

An act to incorporate an Academy or Public School in the borough of Erie, and for other purposes therein mentioned."

SECT. 1. [ERIE academy established. First trustees named and incorporated by the name of "The Trustees of the Erie Academy." Usual corporate privileges granted. Corporate property not to exceed the yearly value of four thousand dollars. 2. Number of trustees to be ten. Not to serve longer than four years unless re-elected. Three trustees to be annually elected by the citizens of the county. The former trustees to decide by lot which of them shall go out of office each year. 3. The first meeting to be held on the third Tuesday of May next. 4. Duties of the treasurer. To give security. 5. By-laws, &c. to be recorded. No misnomer to defeat any gift, devise, &c. to the corporation. 6. Five hundred acres of land vested in the trustees with power to lease the same. 7. Certain lots vested on which to erect the buildings. 8. Books and accounts to be exhibited annually to the county auditors.]

Passed 25th March, 1817.—Recorded in Law Book No. XVI p. 351.

NOTE—By the act (ch. 4995,) the trustees authorised to sell 15 lots in the town and to purchase four others which are exonerated from the purchase money and secretary directed to issue patents. See ch. 4302, for a general reference to the laws respecting the borough of Erie.

## CHAPTER 4451.

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An act establishing an Academy in the town of Wellsborough, in the county of Tioga.

SECT. 1. [WELLSBOROUGH academy established. 2. First trustees named, and incorporated by the style of "The Trustees of the Wellsborough Academy." Usual corporate privileges granted. Yearly value of corporate property not to exceed 5000 dollars. 3. May have a common seal. 4. Trustees to meet annually on the first Monday in May. Nine trustees a quorum. May make by-laws, &c. fill vacancies in the board, appoint teachers, and fix their salaries, &c. 5. Time of electing trustees and qualification of electors. 6. By-laws, &c. to be recorded. No misnomer to affect the institution. 7. Bona fide alienations of real estate accompanied by immediate and continued possession not to be defeated for want of shewing that nine trustees consented thereto unless controverted in three years after such sale. 8. Two thousand dollars granted to the institution. How to be applied. Poor children not exceeding five to be taught gratis. 9. Accounts to be annually exhibited to the county auditors.]

Passed 25th March, 1817.—Recorded in Law Book No. XVI. p. 355.

## CHAPTER 4452.

An act appointing commissioners for settling certain differences between this state and the state of New Jersey.

WHEREAS the legislature of the state of New Jersey, on the thirty-first day of January, one thousand eight hundred and seventeen, enacted a law, of which the following is an exemplification, to wit:

## STATE OF NEW JERSEY.

An act appointing commissioners for settling certain differences between this state and the commonwealth of Pennsylvania, and for other purposes therein mentioned.

WHEREAS the legislature of the state of New Jersey passed an act on the fourth day of February, one thousand eight hundred and fifteen, to enable Daniel W. Cox, Samuel Wright, junior, and Peter T. Smith, to erect a wing dam in the river Delaware, and also a supplement thereto on the sixteenth day of February, one thousand eight hundred and sixteen. And whereas the senate and house of representatives of the commonwealth of Pennsylvania, have passed a resolution protesting against the passage and operation of the said acts of the legislature of this state. And whereas doubts may continue to exist how far the legislature of either of the said states may, without the concurrence of the other, authorise the erection of dams and other works in the river Delaware, between the said states, for objects of public utility and benefit. In order, therefore to promote mutual accommodation, harmony and good understanding between them forever, and to adjust all the matters of complaint, or which can be made the subject of complaint between the said states respecting the premises, and to prevent future misunder-

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standing from the exercise of their several and respective jurisdictions :

I. *BE it enacted by the Council and General Assembly, of this state and it is hereby enacted by the authority of the same, That Lewis Condict, George Holcomb and John Beatty, or a majority of them, be commissioners, with full power and authority in behalf of the state of New Jersey, to meet and make a final agreement in regard to the premises, with commissioners in behalf of the commonwealth of Pennsylvania, to be appointed by a law of that commonwealth, with like full power, if to them it shall seem expedient, in such manner as finally to settle all the matters of complaint, or which can be made the cause of complaint between the commonwealth of Pennsylvania and state of New Jersey, respecting the passage and operation of the said acts of the legislature of New Jersey, and also respecting all wing-dams erected and placed in the said river with or without legislative permission, and to define, with precision and certainty, the rights of the respective states to authorise the erection of dams and other works within the waters of said river, for objects of public utility and benefit, and which shall not essentially injure or obstruct the navigation ; which agreement, in writing, signed and sealed by the said commissioners respectively, if made on or before the second Tuesday of January next, shall become binding on this state, when confirmed by the respective legislatures of Pennsylvania and New Jersey.*

SECT. 2. [Time and place of meeting to be agreed on. 3. Governor to transmit a copy of this act to the governor of Pennsylvania. Governor of Jersey to have power to appoint commissioners instead of any who may die or decline.]

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That Cadwallader Evans, junior of the city of Philadelphia, William Erwin, of the county of Bucks, and Samuel Sitgreaves, of Easton, in the county of Northampton, or a majority of them, be commissioners, with full power and authority in behalf of the commonwealth of Pennsylvania, to meet and make a final agreement in regard to the premises, with commissioners in behalf of the state of New Jersey, appointed by a law of that state, with like full power, in such manner, as finally to settle all the matters of complaint, or which can be made the cause of complaint between the state of New Jersey and the commonwealth of Pennsylvania, respecting the passage and operation of the said acts of the legislature of New Jersey, and also respecting all wing-dams erected and placed in the said river with or without legislative permission, and to define with precision and certainty, the rights of the respective states to authorise the erection of dams and other works within the waters of said river, for objects of public utility and benefit, and which shall not injure or obstruct the navigation ; which agreement, in writing, signed and sealed by the said commissioners respectively, if made on or before the second Tuesday of January next, shall become binding on this commonwealth, when confirmed by the respective legislatures of the state of New Jersey and of Pennsylvania.*

Commissioners.

Powers.

Agreement with N. J. to be in writing.

SECT. 2. [Time and place of meeting to be agreed on. Commissioners' compensation. 3. Copy of act to be transmitted to governor of New Jersey.]

Passed 25th March, 1817.—Recorded in Law Book No. XVI. p. 358.

NOTE.—See ch. 4357 as to the navigation of the Delaware.—Ch. 4727, as to the fisheries, and ch. 4777, as to the obstructions. Accounts of the commissioners to be settled and paid, (ch. 4574.)

### CHAPTER 4453.

An act making appropriation to defray certain expenses of government therein mentioned.

SECT. 1. [OBSOLETE. 2. Appropriates 5224 dollars and 47 cents for the purpose of restoring so much drawn for other purposes appropriated by the act (ch. 4221) for the state arsenals. 3. Appropriates 2000 for the payment of commissioners appointed for the examination of the Susquehanna and Ohio at 4 dollars per day ]

Passed 25th March, 1817.—Recorded in Law Book No. XVI. p. 362.

NOTE.—Law respecting the arsenals, (ch. 4221,) those respecting public arms generally, (ch. 4108 and 5078.)

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*This act was accidentally omitted in its place at p. 207.*

## CHAPTER 3941.

An act to authorise the governor to appoint commissions to lay out a road from the borough of Carlisle in Cumberland county to Littleton in Bedford county.

To appoint  
commission-  
ers.

Road shall  
be kept in re-  
pair.

Compensa-  
tion.

To be under  
oath.

Proviso.

SECT. 1. *BE it enacted by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby authorised to appoint three disinterested commissioners, one of whom shall be a practical surveyor, to lay out and mark a road beginning at the borough of Carlisle in Cumberland county, thence the nearest and best way through Newville and Roxbury, at or near to the house of Benjamin Burd at Littleton in Bedford county. And the said commissioners shall proceed to perform the said service at such time as the governor shall direct, and they shall deposit a copy of a draft of said road in the office of the clerk of the Court of Quarter Sessions, in each county through which the said road shall pass, and the said clerks respectively shall enter the same on the records, which shall be a record of the said road, and thenceforth shall be to all intents and purposes a public road and highway, and it shall be opened and kept in repair in the same manner as other roads laid out by the authority of the courts in the counties through which said road shall pass.*

SECT. 2. *And be it further enacted by the authority aforesaid, That each of the said commissioners shall receive three dollars for every day they shall be necessarily employed in the service aforesaid, with a reasonable compensation for the persons necessarily employed in chaining and marking the route of said road; and the expense that may be so incurred in laying out and marking said road in each of the counties through which it may pass, shall be paid by the counties respectively, in proportion to the distance said road may pass through the same, on warrants drawn by the county commissioners of each on the treasurer thereof in favour of the commissioners to be appointed: Provided, That before the said commissioners enter upon the duties of their appointment they shall each take and subscribe an oath or affirmation before some judge or justice of the peace to perform the duties enjoined and required by this act with fidelity and impartiality, a transcript whereof shall be filed with each draft of the road, and deposited in the respective counties through which the said road shall pass: Provided always, That the road shall be laid out upon such ground as in the opinion of the commissioners can be conveniently regulated in the opening thereof so as not to exceed an elevation of five degrees.*

Passed 28th March, 1814.—Recorded in Law Book No. XIV. p. 479.



## RESOLUTIONS.

[RESOLUTION directing the secretary of the commonwealth to distribute to the prothonotaries, Smith's edition of the laws, sufficient for each justice of the peace, commissioned since the year 1809, and the prothonotaries to take a receipt, in which shall be inserted a clause obliging the justices to deliver over said copies to their successors.]

Passed 29th March, 1813.—Recorded in Law Book No. XIV. p. 112.

[RESOLUTION directing the further distribution of Smith's edition of the laws, sufficient to supply the associate judges and justices, commissioned since 1808, and not entitled under the resolution of 29th March, 1813, taking a receipt to deliver the same to his successor. No justice coming into office as the successor of another, who has received one, to be entitled.]

Passed 29th March, 1814.—Recorded in Law Book No. XV. p. 30.

RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, That after the present session of the legislature the bills of both houses shall be printed in folio, with pica type, on foolscap paper, number three, each page to contain not less than twelve hundred m's. of matter, exclusive of riglet spacing.

Passed 29th March, 1814.—Recorded in Law Book No. XV. p. 39.

WHEREAS, by an agreement made the twenty-sixth of April, one thousand seven hundred and eighty-three, between commissioners previously appointed by the legislature of the state of New Jersey, and commissioners appointed by the legislature of this state, for the purpose of settling the jurisdiction of the river Delaware, and islands within the same, it is, among other things, provided and declared, that the river Delaware, from the Station Point, or north-west corner of New Jersey northerly to the place upon the said river where the circular boundary of the state of Delaware toucheth upon the same, in the whole length and breadth thereof, is and shall continue to be and remain a common highway, equally free and open for the use, benefit and advantage of the said contracting parties, which said agreement, and every article, clause, matter and thing therein contained, the said states of New Jersey and this state, by acts of their respective legislatures, did fully and amply ratify and confirm and declare the same shall be, and forever here-

after remain in force agreeably to the true tenor and extent thereof: And whereas, the legislature of the state of New Jersey, by their act, entitled "An act to enable Daniel W. Cox, Samuel Wright, junr. and Peter T. Smith, his or their heirs or assigns, to erect a wing dam in the river Delaware, to connect Yard's island with the main land at Bloomsbury," passed on the fourth day of February, in the year of our Lord one thousand eight hundred and fifteen, have enacted, That it shall and may be lawful for Daniel W. Cox, Samuel Wright, junr. and Peter T. Smith, or the survivors or survivor of them, his or their heirs and assigns, to erect a wing dam in the river Delaware, below the mouth of the Assanpink creek, so as to connect the main land of Bloomsbury with Yard's island, at or near the street in the plan of Bloomsbury, called Market street, and to extend the same upon and along the said island, for the purpose of bringing the waters of the Delaware river, for the benefit of such mill or mills or other water power, as shall be hereafter erected by the said Daniel W. Cox, Samuel Wright, junr. and Peter T. Smith, or the survivors or survivor of them, his or their heirs or assigns, and forever hereafter to use them for the purposes aforesaid, and the same to repair, maintain and uphold: thereby authorizing and permitting the obstruction of the navigation in the bed of the said river Delaware, contrary to the true intent and meaning of the said recited clause of the said agreement entered into by the states aforesaid, and in direct violation thereof, and as evil consequences are likely to result from an infraction of said agreement, by the passage of the aforesaid act of the legislature of the state of New Jersey, if submitted to by this state, not only as it has a tendency, if the wing dam should be erected within the bed of the river Delaware, to injure the navigation thereof, but as it will be mischievous in destroying the public confidence of the one state in the declarations solemnly pledged by any other state: Therefore,

RESOLVED, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, That they do most solemnly protest against the passage and operation of the act of the legislature of the state of New Jersey, entitled "An act to enable Daniel W. Cox, Samuel Wright, junr. and Peter T. Smith, his or their heirs or assigns, to erect a wing dam in the river Delaware, to connect Yard's island with the main land at Bloomsbury," passed on the fourth day of February, in the year of our Lord one thousand eight hundred and fifteen, and every part thereof, as being an infraction of the aforesaid agreement, entered into by the said states of New Jersey and Pennsylvania. And,

RESOLVED FURTHER, That the governor of this state be directed to transmit an authenticated copy of the foregoing resolution to the executive of the state of New Jersey, in order that the same may be laid before the legislature thereof.

Passed 21st February, 1815.—Recorded in Law Book No. XV. p. 322.

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[RESOLUTION directing the secretary of the commonwealth to distribute to the prothonotaries Smith's edition of laws, to supply each justice of the peace who has been commissioned since the 29th of March, 1813, with one set, taking his receipt to deliver the same to his successor. No justice who has been commissioned since the above period, as successor to another who has received a copy, or of Bioren's edition, to be entitled.]

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 326.

**RESOLVED**, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, That in order to make the necessary preparations toward forming a new and correct map of this state, the secretary of the commonwealth for the time being, be, and he hereby is authorized and required, so soon as the same can be done, without interfering too much with his other duties, to procure from the clerks of the sessions and deputy surveyors, or others, within the several counties of this state, copies of all the necessary plots or maps and courses and distances of roads, rivers and creeks, together with their names, which may be in their possession, to collect information of the situation and extent of the mountains and valleys, of the towns and villages, mills, furnaces, forges, glass works, factories, churches, academies, and whatever else may deserve notice; to contract with the said officers or other fit person or persons, if it can be done, at a more reasonable rate than fees to said officers are paid, for said copies, or for the performance of any extra labor which may be necessary, either in the several counties or at the seat of government, in connecting maps or plots of roads, rivers, creeks or mountains, so as to cause materials to be furnished, which may form correct data upon which the map of the state may be made, and to give the legislature, when he may think the same useful, information of the progress made, and expense of the work, that money may be appropriated for payment, and further measures taken for the employment of a suitable scientific artist for the completion of the said map.

Passed 13th March, 1815.—Recorded in Law Book No. XV. p. 330.

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[**RESOLVED**, That the surveyor general be, and he is hereby authorised to procure a new seal press and renew the seal for the use of his office, with the same devices thereon as are contained in the seal of the commonwealth, with the words "*Surveyor General's Office Pennsylvania*," on the margin thereof, and he shall be credited for the price paid for the same in the settlement of his accounts with the accountant department.]

Passed 13th March, 1816—Recorded in Law Book No. XVI. p. 35.

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**RESOLVED**, *by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met*, That they solemnly protest against the passage and operation of the act of the Legislature of New-Jersey, passed on the fourth day of February, one thousand eight hundred and fifteen, entitled "An act to enable Daniel W. Coxe, Samuel Wright, junr. and Peter J. Smith, and the survivors of them, his or their heirs or assigns, to erect a wing-dam in the river Delaware, to connect Yard's island with the main land at Bloomsbury," and of the supplement thereto, passed on the tenth of February, one thousand eight hundred and sixteen.

*Resolved*, That the governor of this commonwealth be, and he is hereby authorised and directed (if the state of New-Jersey shall on their part authorise the same) to cause a case to be stated and submitted in argument to the determination of the Supreme Court of the United States, at such time, place and manner as may be directed by the judges of the said court, so as to enable them to determine whether the said acts contravene any agreement between the two states, or in any degree violate the rights and privileges of their

citizens ; and in case any fact deemed requisite to be set forth in such statement, shall not be admitted by both parties, the same shall be examined into, ascertained and reported to said court by three commissioners, or a majority of them, who shall be appointed by the said court from any adjoining state, and receive for their services at the rate of six dollars *per diem*, to be paid, together with all other expenses of said proceedings, by the state against whom the decision of the court shall be given.

*Resolved*, That a copy of the foregoing resolutions be transmitted by the governor of this state to the governor of New Jersey.

Passed 16th March, 1816.—Recorded in Law Book No. XV. p. 35.

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[RESOLUTION directing the secretary of the commonwealth to distribute to the prothonotaries, Smith's edition of the laws, to supply each assistant judge and justice, commissioned since the 13th March, 1815, taking a receipt to deliver the same to their successors. No justice commissioned since, who has been appointed as the successor of another, or who has received a copy, or of Bioren's edition, shall be entitled to receive.]

Passed 10th March, 1817.—Recorded in Law Book No. XVI. p. 175.

## PENSIONS

AND

## PECUNIARY GRATUITIES,

*For Revolutionary and other Military Services, from 1st December 1812,  
to the 25th March 1817.*

## SESSION

1813—14.

- JOHN M'GILL.** . . Ch. 3612. Forty dollars to be paid to him, and an annuity of forty, half yearly, during life, from 1st Jan. 1813—passed 18th January 1813—recorded in law book No. 13, p. 288.
- WILLIAM GILL.** . Ch. 3624. Forty dollars and an annuity of forty to be paid to him, half yearly, during life, from 1st Jan 1813—passed 28th January 1813; recorded in law book No. 13, p. 308.
- CHARLES CAPPEL** } Ch. 3637. Forty dollars to be paid to each, and an annuity of forty, half  
**FRANCIS STACK-** } yearly, during life, from 1st Jan. 1813—passed 4th February 1813; re-  
**HOUSE.** } corded in law book No. 13, p. 327
- CHARLES BISSON,** } Ch. 3647. Forty dollars to be paid to each, and an annuity of forty, half  
**JOHN COLMAN.** } yearly, during life, from 1st Jan. 1813—passed 16th February 1813—  
recorded in law book, No. 13, p. 345.
- JOHN SMITH.** . . Ch. 3659. Forty dollars and an annuity of forty to be paid to him, half yearly, during life, from 1st Jan 1813—passed 25th February, 1813—recorded in law book No. 13, p. 363.
- PHILIP GLEIM.** . Ch. 3669. Forty eight dollars, and an annuity of forty eight dollars, to be paid to him half yearly, during life, from 1st January, 1813—passed 4th March, 1813—recorded in law book No. 13, p. 389.
- JAMES SHIELDS.** . Ch. 3684. Forty dollars and an annuity of forty to be paid to him, from 1st Jan. 1813, half yearly, during life—passed 12th March, 1813—recorded in law book No. 13, p. 417.
- JOHN M'MURDY,** } Ch. 3750. Forty dollars and an annuity of forty dollars to be paid to each,  
**JOHN HARRIS,** } half yearly, during life, from 1st Jan. 1813—passed 26th March, 1813—  
**DENNIS DALEY.** } recorded in law book No. 14, p. 5.
- JOHN BLAIN, MA-** } Ch. 3753. Forty dollars, and an annuity of forty to be paid to each, from  
**RYBELL, widow of** } 1st January, 1813, half yearly during life—passed 26th March, 1813—  
**DAVID BELL, DA-** } recorded in law book No. 14, p. 10.  
**VID RITCHIE.** . . }
- GEORGE SMITH,** } Ch. 3771. Forty dollars to be paid to each of them, and an annuity of forty,  
**BARTHOLOMEW** } half yearly, during life, from 1st January, 1813—passed 29th March,  
**MELOY.** } 1813—recorded in law book No. 14, p. 45.
- JAMES CRAWFORD.** Ch. 3783. Sixty dollars to be paid to him immediately, and an annuity of sixty, half yearly, during life, from 1st January, 1813—passed 29th March, 1813—recorded in law book No. 14, p. 72.
- ROBERT LYON.** Ch. 3789. Forty dollars, and an annuity of forty dollars granted to him, half yearly during life, from 1st January, 1813—passed 29th March, 1813—recorded in law book No. 14, p. 75.
- DAVID WELKER.** . Ch. 3792. Forty dollars and an annuity of forty to be paid to him, half yearly during life, from 1st January, 1813—passed 29th March, 1813—recorded in law book No. 14, p. 87.

- ARTHUR ST. CLAIR.** Ch. 3806. The board of enquiry established by act ch. 3658, directed to allow him an annuity not exceeding one-fourth of his pay according to the rank he held when he left the service, to continue during life, payable half yearly, also one year's annuity; act (ch. 3638,) repealed—passed 22d December 1813; recorded in law book No. 14, p. 117. [Two hundred dollars to be paid him and an additional annuity of 350 dollars during life, (ch. 4350.)]
- HENRY WALKER.** Ch. 3829. Forty dollars and an annuity of forty, to be paid to him half yearly during life, from 1st January 1814—passed 21st February 1814—recorded in law book No. 14, p. 176.
- THOMAS BUTTS.** Ch. 3881. Forty dollars and an annuity of 40 dollars to be paid to him half yearly during life, from 1st January 1814—passed 14th March 1814 recorded in law book No. 14 p. 257
- JAMES O'HARA.** Ch. 3885. Forty dollars to be paid to him, and an annuity of 40 dollars to be paid to him half yearly during life, from 1st January 1814—passed 14th March, 1814—recorded in law book No. 14, p. 261.
- HENRY M'EUEN.** Ch. 3896. Forty dollars to be paid to Francis M'Euen and an annuity of forty dollars, half yearly, during life, for his use, who to settle his accounts annually in the Orphans Court of Chester county for which no fee to be charged—passed 18th March, 1814—recorded in law book No. 14, p. 316.
- HENRY SHULER,**  
**MATHIAS AM-**  
**BRUSTER.** } Ch. 3910. Forty dollars, and an annuity of forty, to be paid to him half yearly during life from 1st January 1814. To be paid to William P. M'Clay for his use, who to settle his account annually in the Orphan's Court of Mifflin county for which no charge to be made. Forty, and an annuity of forty dollars to be paid to Mathias Ambruster, half yearly during life, from 1st January 1814—passed 22d March 1814—recorded in law book No. 14, p. 393.
- JOHN BARR.** } Ch. 3934. Forty dollars and an annuity of forty, to be paid to him half yearly, from 1st January, 1814.
- JOSEPH JOHNSON,**  
**DAN DOUGHERTY** } The money due and to become due to them by act, (vol. 5, p. 312, 314,) to be paid them or their orders—passed 28th March 1814—recorded in law book No. 14, p. 469.
- ROBERT NEILSON.** Ch. 3949. Forty dollars and an annuity of forty dollars, to be paid to him half yearly during life—passed 28th March 1814—recorded in law book No. 14, p. 489.
- TIMOTHY O'NEAL**  
**PETER SMITH.** } Ch. 3989. Forty dollars and an annuity of forty dollars to be paid to him and half yearly, and eighty dollars and an annuity of eighty to Peter Smith half yearly to be paid to him during life, from 1st January 1814; passed 28th March 1814—recorded in law book No. 14, p. 590.
- ANDREW M'DOW-**  
**ELL.** } Ch. 4049. Forty dollars and an annuity of forty dollars, to be paid to him half yearly during life, from 1st January 1815—passed 4th March 1815; recorded in law book No. 15, p. 128.
- JACOB BOWER.** Ch. 4062. The board of enquiry by act of 25th February 1813, directed to place him on the pension book, and allow him a sum which with what he now receives shall be equal to one-fourth of his pay as a captain, payable half yearly, during life, from 1st January 1815—passed 8th March 1815—recorded in law book No. 15, p. 172.
- HENRY DOUGHER-**  
**TY, THOMAS**  
**SMITH, GEORGE**  
**MESSER, ALEX-**  
**ANDER M'CURDY.** } Ch. 4078. Forty dollars and an annuity of forty dollars to be paid to each, half yearly during life, from 1st January 1814—passed 11th March 1815; recorded in law book No. 15, p. 219.
- SAMUEL KEARSLY.** Ch. 4084. Fifty dollars and an annuity of fifty dollars, to be paid to him half yearly during life, from 1st January 1815—passed 11th March 1815; recorded in law book No. 15, p. 225.
- MARTIN BRES-**  
**CHALL.** } Ch. 4092. Forty dollars to be paid to him, and an annuity of forty dollars for life, payable half yearly, from 1st January 1815—passed 11th March 1815—recorded in law book No. 15, p. 237.
- JAMES KEAN,**  
**PETER M'BRIDE.** } Ch. 4115. Sect. 1. The state treasurer to pay to James Kean forty dollars, and an annuity of forty dollars to commence the 1st January 1815, payable half yearly during life. 3. The annuity of forty dollars granted to Peter M'Bride on the 30th March 1812, to be paid to Edward Darlington to be expended for the use of Peter M'Bride, Edward Darlington to make an annual return to the Orphan's Court of Chester county on oath, shewing how he has executed the trust. 4. The annuity of forty dollars granted to Philip Jones the 9th March 1810, to be paid to Philip Landis, to be ex-

## SESSION

1816—17.

PHILIP JONES.

pended by him for the use of Philip Jones, Philip Landis to make an annual return to the Orphan's Court of Chester county on oath shewing how he has executed the trust; passed 13th March 1816—recorded in law book No. 15, p. 286.

ISAAC THOMPSON. Ch. 4149. Forty dollars and an annuity of forty dollars to be paid to him half yearly during life, from 1st January 1816—passed 29th January 1816—recorded in law book No. 15, p. 387.

MICHAEL WHEE- } Ch. 4162. Forty dollars, and an annuity of forty dollars to be paid to him  
LAND. . . . } during life, from 1st January 1816—passed 8th February 1816—recorded in law book No. 15, p. 415.

CHARLES TIPPER. Ch. 4237. Forty dollars and an annuity of forty dollars to be paid to him half yearly during life, from 1st January 1816—passed 16th March 1816; recorded in law book No. 16, p. 7.

EDWARD CAVA- } Ch. 4260. The state treasurer required to pay to him the annuity of forty  
NOUGH. . . . } dollars granted by the act, vol. 4, p. 532, [payable half yearly, vol. 5, p. 5,] and so much of said act as is hereby altered or supplied, is hereby repealed—passed 19th March 1816—recorded in law book No. 16, p. 9.

SAMUEL POLAND  
WILLIAM RUSH,  
PATRICK MAR-  
TIN, BERNARD  
VALENTINE,  
JAMES KARR,  
ADAM HILT,  
JAMES MITCHEL.

Ch. 4246. Forty dollars and an annuity of forty, to be paid to each, half yearly during life, from 1st January, 1816—passed 19th March, 1816.—recorded in law book No. XV. p. 383.

JOHN CAVANOUGH. Ch. 4288. The state treasurer required to pay him the annuity granted by the act (vol. 4, p. 536,) and so much of the act as is altered, repealed—passed 14th January 1817—recorded in law book No. 16, p. 53.

MARY WALKER, } Ch. 4311. To receive forty dollars and an annuity of forty dollars as long  
widow of JOHN } as she remains his widow; in case of her marriage or death, the pension  
WALKER. . . } to be paid to the guardians of his children—passed 10th February 1817;  
recorded in law book No. 16, p. 81.

GABRIEL BLAKE- } Ch. 4313. Eighty dollars and an annuity of 80 dollars to be paid to him half  
NEY. . . . } yearly during life, from 1st January 1817—passed 10th February 1817—  
recorded in law book No. 16, p. 81.

JOHN SNYDER, } Ch. 4321. Forty dollars and an annuity of forty to John Snyder, and Adam  
ADAM SPECHT, } Specht, and to Daniel Stoy, 200 dollars, and an annuity of fifty, to be  
DANIEL STOY. } paid half yearly during life, from 1st January 1817—passed 17th Feb-  
ruary 1817—recorded in law book No. 16, p. 86.

ARTHUR St. CLAIR, Ch. 4350. (See ch. 3806.)

ANN DOROTHY } Ch. 4353. Forty dollars to be paid to her and an annuity of forty, half  
GETTIG, widow of } yearly during life, from the 1st January 1817—passed 10th March 1817;  
lieutenant GETTIG. } recorded in law book No. 16, p. 123.

JACOB HERRING- } Ch. 4360. Forty dollars to be paid to him, and an annuity of forty dollars,  
TON. } half yearly during life, from 1st January 1817—passed 13th March  
1817—recorded in law book No. 16, p. 130.

CASPER STONER. Ch. 4362. Forty dollars to be paid to him, and an annuity of forty dollars half yearly during life, from 1st January 1817.

EVE DOUGHERTY, } Forty dollars and an annuity of forty dollars for five years. On her death  
widow of PATRICK } or marriage, to be paid to the minor children of Patrick Dougherty—pas-  
DOUGHERTY. } sed 13th March 1813—recorded in law book No. 16 p. 131.

NICHOLAS ANGST. Ch. 4392. Forty dollars and an annuity of forty dollars to be paid to him half yearly during life, from 1st January 1817—passed 24th March 1817—recorded in law book No. 16, p. 179.

FREDERICK SHRI- } Ch. 4398. Forty dollars and an annuity of forty dollars to be paid to him  
VER. } half yearly during life, from 1st January 1817.

WILLIAM HAM- } Forty dollars and an annuity of forty to be paid to him half yearly during  
SON. } life, from 1st January 1817.

ATCHESON MEL- } Annuity for him by act 1st March 1811, (vol. 5, p. 20,) to be expended  
LON. } agreeably to the second section of that act—passed 24th March 1817;  
recorded in law book No. 16, p. 195.

PETER FRICKER. Ch. 4413. Forty dollars to be paid to him and an annuity of forty dollars to be paid to Frederick Heller his executors or administrators or their attorney, to be expended in procuring clothing for Peter Fricker; Frederick Heller to settle his accounts annually, for which no charge to be made; passed 24th March 1817—recorded in law book No. 16, p. 229.





## APPENDIX.

*Referred to at p. 418.*

SECT. 5. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the respective counties, shall distribute the laws and journals in the following manner and order, viz. One copy of each for himself, and for the clerks of the different courts, if the offices are divided; one to the register and recorder, if said offices are divided; one to the president and one to each of the associate judges of the court; one to the board of commissioners; and one copy of each to be delivered by such prothonotary, to each constable of the respective wards, or townships for which such constable was elected or appointed, to be by such constable delivered into the hands of the person occupying the house where township elections for the choice of constables are held; and it shall be the duty of such constable annually, under the penalty of five dollars for every neglect or refusal to procure and lodge the said copies of the laws and journals at such place of holding the elections as aforesaid, which laws and journals shall be kept at such house for the free inspection of every inhabitant, at all seasonable times, within such ward or township, &c. That the said prothonotaries, respectively, shall not deliver any of said laws or journals without taking a receipt therefore, enjoining each officer receiving the same, to deliver them over to his successor, and such receipt shall be entered in a book by them prepared, at the expense of their respective counties. Passed 6th April, 1802. Pamp. Ed. p. 166.

### Continuation of Note, at page 435.

#### *Indentures of Apprenticeship.*

The master of an apprentice cannot take him out of the state where the indentures were executed, unless the indentures give the power, or it follows from the nature of the mystery which the apprentice is to learn—When the legislature vests its court with a power over the persons of orphans, it must be supposed that it is to be so exercised, that the orphans shall not be withdrawn to places beyond the jurisdiction of the state, except those who are bound to the sea service, which must necessarily call them abroad. While within that jurisdiction, they are sure of the protection from the same laws which authorised their binding. In this case the binding was in Virginia to which the service must be restricted, otherwise a removal might as well be made to the West or East Indies. There is no medium. This decision declared not to extend to the case of negroes bound until 28 years in other states, and brought hither. Their situation is different from common apprentices, and their condition depends in part on the singular nature of their case, and on acts of assembly of our own. 6 Bin 204.

The consent of the parent or guardian of an apprentice, as well as that of himself, is necessary to give validity to an assignment of an indenture. The second section of the act of 1799, (vol. 3, p. 385, provides that an assignment may be made *if the apprentice or his parent, &c. shall give his consent*; altho' the words will bear the meaning that the assignment may be made, without the consent of the father, &c. yet they will also bear another, more convenient and analogous to the general principles of the law of parent and child, that is to say, with the consent of the apprentice, (where he has no parent or guardian, or if he has, &c.) with the consent of such parent, &c.—This preserves to the infant the protection of his parent, &c. and places the assignment, so far as concerns parents, on the footing with the original binding, to which the parents consent is required, except in the case of paupers. By the act of 1770, vol. 1, p. 309, the apprentice may be bound with the assent of his parent or that of the overseers; that is with the assent of the one or the other, according to the nature of the case, viz if he has a parent with his assent, or, if he has none, with the assent of the overseer. 1 Serg. and Rawle, 248.

Aldermen have the same power as justices of the peace, in relation to the binding &c. of apprentices. (Ib.)

In the binding of an infant apprentice by the overseers, it is not necessary, by the act of 1771, (vol. 1, p. 335,) that the infant should join in the indenture. The act gives power in express

terms to the overseers, to *put out* poor children. This power is compulsory in its execution, and requires not the agency of either father or child. It takes the child out of the parents arms and confers the management of it on the overseers, who have the best opportunity of knowing the child's situation and treatment. Support is not the only object of the legislature, education, and the acquisition of a trade are important considerations, and can be obtained in no other way than by considering the power, not depending on the will of either parent or child, but on the judgment of the overseers, with the approbation of two justices, or in the city of Philadelphia, Northern Liberties, &c. on that of the managers of the Alms-house, without such approbation. (Vol. 4, p. 56.) 3 Serg. & Rawle, 158—9

Altho' it has been decided. (4 Bin. 186) that the defective registry of a slave may be made good by parol proof, Gibson Justice said he was not satisfied with the propriety of that decision, and not disposed to extend its authority to cases merely analogous. *Ib.*

The assent of the father is necessary by act. (vol 3, p. 385,) to give validity to the assignment of an indenture. The legislature never intended that the child should *bind* himself without the consent of the father—they have declared he shall not. The same reason would apply to an assignment as to the voluntary binding, and it must be certified by the justice, or at least expressed in writing before him, and attached to the instrument at the time of such assignment. Parol proof will not suffice, there must be some memorial of the act to which recourse can be had. It is not to float on the memory of the officer, to die with him. The justice is the judicial officer before whom the consent is to be given. His intervention must be official and attested as all his official acts are. He is to receive and certify the assent of the apprentice, as he would the acknowledgment of a *feme covert*, and to see that there is no fraud or coercion. *Ib.*

An indenture, executed by one as *master*, and next *friend* of an apprentice is void. The master is not *such a next friend* as is contemplated by the act of 29th September, 1770. In this case the person about to sell the apprentice, assumed the capacity of next friend, and was therefore presumed to be acting for his own interest, which is incompatible with the idea of guardian. 1 Serg. & Rawle, 366.

An indenture of apprenticeship may be vacated by the consent of all the parties to it. As there is no act of assembly on the subject, this may be done on the principles of the common law, and it may be often necessary for the interest of the apprentice. 1 Serg. & Rawle, 130.

#### Enlistments in the Army and Navy.

Under the act of congress, authorising the President of the U. S. to cause to be engaged certain able seamen, ordinary seamen and *boys*, to serve in the navy, an infant, who has arrived at years of discretion, (seventeen) who has neither father, master, nor guardian, may make a valid contract to serve according to the act, notwithstanding he has a mother, with whom he resides at the time, and whose consent was not given to the contract. An infant owes reverence and respect to his mother, but she has no legal authority over him, nor any legal right to his services. Under the constitutional power of congress to provide and maintain a navy, that body may by law authorize minors to enter into contracts for service in the navy, notwithstanding such contracts, if made by an infant might, not be binding upon him at common law. 4 Bin. 487.

A minor, under the age of eighteen, bound by the managers of the Alms House, as an apprentice to a mechanic, who covenanted not to *assign* the indenture without the consent of managers, may, with the consent of his master, in writing, without the consent of the managers, enlist as a soldier in the army of the U. S. When the apprentice is bound, the power of the managers ceases, although they have the right to see that the covenants of the master are performed, and to interfere in case he attempts to assign without their consent. The enlistment is not an assignment. The legislature of Pennsylvania have never prohibited the enlistment of minors, with the consent of their masters—If so, it would be a conflict with the U. S. in whose legislature resides the power to raise armies, and they have said, that with the consent of the master, the minor may be enlisted. The parent having transferred his power to the master, he and the minor are the only parties whose rights are regarded. A great part of the strength of the country is of minors, under 21, and there is no reason why this force should not be employed with the consent of minors and of parents, masters, &c. who, by the laws of society, have acquired previous rights to their services. 5 Bin. 423.

A mother is a parent, within the act of congress of 20th January, 1813, for the enlistment of minors; and if the minor has neither father, master, nor guardian, her consent is necessary to the enlistment. The same decision has been made by the chief justice and the district judges. 6 Bin. 255.

The act of congress of 1813 directs that no person under the age of 21 years, shall be enlisted without the consent of his parent is *first* obtained. The case of a minor enlisting without such consent, and obtaining it *afterwards*, is within the letter, but not within the spirit of the

prohibition, which is that no minor shall be detained without the consent of his parent. Before such consent is given, the minor or parent may demand a discharge, and the law forbids the holding of him; but after consent both parent and child are concluded. 1 Serg. and Rawle 87.

Where an apprentice enlists voluntarily in the army, under the act of congress of the 10th of December, 1814, and was satisfied with his situation, the court refused on a *habeas corpus* under the act of assembly of 1785, on the affidavit of the master to determine the question of property, and restore him to his master. The master in such case, must resort to an action against the person who harbours his apprentice. The object of the *habeas corpus*, by act of assembly, was to secure personal liberty, and not to decide disputes concerning property. The courts are required to *bail, remand or discharge*, but, when there is no confinement or restraint, they can do neither—the case is not within the act. The writ may issue at common law, under which courts have gone so far as to deliver the body of an infant to his parent, and sometimes an apprentice to his master. It is discretionary whether to proceed to that length or not. 1 Serg. and Rawle, 353.

### *Foreign Seamen Deserters.*

A seaman shipped in a British port, who has deserted in a port of the *United States*, cannot be committed to prison by an alderman or justice of the peace, for safe keeping until he find security to proceed on the voyage, notwithstanding he has contracted to submit to certain statutes, which, in England, authorise such imprisonment. The common law will not justify such a commitment, as there is no charge of a crime, or if there was, it could only be until security was found. The charge is but of a breach of contract and until judgment is obtained, the defendant cannot be imprisoned until satisfaction made. To imprison a seaman until he performs a voyage, is a proceeding unknown to the common law, and its justification must be sought for in some other code. There is no act of assembly of this commonwealth, and the act of congress applies only to vessels bound from a port of the U. S. and the seaman are shipped there. It does not appear that there has been such a uniform and general practice as entitled it to the name of the laws of nations. There is no treaty with England on the subject, and if there was, it would imply that there was no such usage. The imprisonment of a man, and delivering him up to be carried out of the country, is an act of very high authority, and when permitted, should be guarded by forms to prevent abuse. There is no law therefore which authorises an alderman or justice of the peace to proceed summarily against a mariner, who has deserted a foreign vessel. 1 Serg. and Rawle, 392.

In the case of Dumas's, claimed as a deserter, decided by the chief justice and Smith J. 1807, reported in 2d vol. Hall's law journal, the court observed that there would be convenience in the delivering up of deserters, who, in our ports, leave the ships of nations, who are willing to give up deserters from ours; but to do so without a law of the U. S. or of this state, to warrant the interference of a state judge is a matter requiring serious consideration, and on which the court did not touch, because of the particular circumstances of the case did not require it, it not being shown that Dumas was a deserter.

### *Slaves and Fugitives from Labour.*

The registry of a negro child, under the fourth section of the act of 29th March, 1788, (vol. 2, p. 244,) may be explained by parol evidence, if it contains a mistake apparent on the face of it. 4 Bin. 186. Gibson Justice expressed his dissatisfaction with this decision. 3 Serg. and Rawle, 161.

Entry on the 26th June, 1807, of the name, &c. of a negro child born on the 2d January, 1808. Registry not void, but parol evidence admitted to shew that the child was born on 2d January, 1807, and therefore that the registry was made within six months after his birth, agreeably to the act. 4 Bin. 186. (See 1 Serg. and Rawle, 23, and 3 Serg. and Rawle, 161.)

If it does not appear whether or not the registry of a negro child, under the act of 1788, (vol. 2, p. 443,) was made within six months from the birth, he must be discharged, because it lies on the owner to prove that he was registered according to law. The court gave no decided opinion whether parol evidence would be admissible to supply the defect of the registry. The Chief Justice and Brackenridge J. inclined to the opinion that it might, because such proof would have been consistent with the register. 1 Serg. & Rawle, 23.

In the registry of a slave, under the act of 1st March, 1789, it is not necessary that it should have been set forth, whether the person registered was a slave for life or servant till 31 years of age. The object of the act was the gradual abolition of slavery but property in slaves was recognized, and this could not be taken away without compensation. The right of property re-

remained unimpaired in existing slaves, provided means were taken by a public registry, of ascertaining those who were slaves or servants for 31 years. The act does not direct that the circumstances of slave or servant for life or years, shall be inserted, nor does the *object* require it, viz. to distinguish these slaves and servants. *not from each other, but from all other persons*—although the law would have been more perfect with this particular; as it is not required by the law, the court cannot add it. 3 Serg. & Rawle, 396.

But it is necessary that *the sex* should be expressly stated, and, though the name be such as might imply the sex, it does not necessarily do so; the law is express in its requisition. Any thing which ascertains the sex, as a man, woman, wench, boy or girl, will be sufficient. (1b)

It is not necessary for a person registering a slave, to set forth the town or county in which he resides. If the registry is in the county, in which the owner resides, altho' not expressed, it is good. 3 Yeates, 259.

If the registry does not state the occupation of the owner of a slave, parol evidence may be given, to show he had none. The addition of Esquire in the registry, although not in the return, may be taken into consideration. 3 Serg. & Rawle, 397.

The registry of a slave, made in Westmoreland, on the 10th Nov. 1780, is good under a special act, to redress certain grievances within the counties of Westmoreland and Washington, of the 13th April, 1782, passed in consequence of the dispute between Pennsylvania and Virginia; as the inhabitants of the border could not tell to which state they belonged, it was thought reasonable to allow them further time, (to 1st January, 1783,) for registering such slaves as they held on the 22d of September, 1780, than was given by the act of the 1st of March, 1780, (vol. 1, p. 492. In delivering the opinion of the court, the chief justice observed, that, although freedom was to be favoured, it is not to be at the expense of property. The only just mode of extirpating the small remains of slavery in Pennsylvania,\* would be by purchasing the few slaves at a reasonable price, and paying their owners out of the public treasury (2 Serg. & Rawle, 397.) By straining the act of assembly in this case, we might say that the plaintiff is free; but by a reasonable and candid construction, she remains a slave, having been registered according to the true intent of the act of 13th April, 1782. 2 Serg. & Rawle, 18.

Birth in Pennsylvania gives freedom to the child of a slave, who had absconded from another state before she became pregnant. This commonwealth has a right to give freedom to every person within her territory, and the act of 1780, (vol. 1, p. 492) by which this was done, with certain exceptions, went into force prior to the constitution of the U. S. The proviso, in the 11th section, does not extend, nor does the act of congress, respecting fugitives from labour, extend to the issue of the absconding slave, nor is there any necessary implication by which it must be extended to the issue *begotten and born in Pennsylvania*—in this case the court desired it to be understood that they did not intend to give an opinion on the case of children of domestic slaves, of members of congress, foreign members, or consuls, nor on the case of a child with which a slave absconding from another state, should be pregnant when she came into this state. 2 Serg. & Rawle, 305.

A negro slave resident in N. Jersey, purchased by a citizen of Pennsylvania, and manumitted at the age of 12 years; in consideration of which he bound himself, there to serve his master until the age of twenty-eight years, in Pennsylvania or any other state, brought into Pennsylvania to reside, cannot be removed out of the state without his consent, the covenant to serve his master in any other state, is void. Nor can his master imprison him in order to compel his consent to go to New-Jersey. Such an indenture between freemen could not be supported, because not for the benefit of the infant, but it is a benefit to the slave, because he receives *freedom*, the most valuable of all considerations. In the act of 1790, (vol. 1, p. 495, sec. 11 and 13.) such contracts are recognized. This temporary servitude was sometimes productive of oppression. Servants were often removed. The act of 1788, (vol. 2, p. 443.) declares that no negro shall be removed with design to change his abode, without his consent certified, &c. This act extends to all cases of negroes, whether bound within the state or not whoever brings a servant of this kind within the state, for the purpose of permanent residence, is bound by this law, and any covenant to the contrary is void. 4 Serg. & Rawle, 218.

Where a negro claims freedom under his mother, who was manumitted by will, it is not evidence against him, that the petition of his grandmother, who claimed to be manumitted by the same will, had been dismissed by the judgment of the general court of Maryland—because he was neither party or privy to the petition, and did not claim this freedom under her. 1 Serg. & Rawle, 175.)

The domestic slave of a member of congress from *South Carolina*, who, during the recess of congress, attends the family of his master in this state, where he had taken a temporary residence, does not acquire freedom by being retained in the state longer than six months. 6 Bin. 215.

Altho' the act (vol. 1, p. 492,) was passed under the confederation, the change makes no difference, the same respect is due to Southern states and their representatives. The exception

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\* The whole number of slaves in the state, by the census of 1821, was 224, and by the U. S. census of 1820, the number was 222.

was not in consequence of any temporary interest which the state had in the confederation, but in consequence of its general interest in the success of the whole Union, and of the general necessity of granting this accommodation to Representatives in the Common Legislature. Besides, this state has recognized the exception, (10 sect. act. 1788, vol. 2, p. 443.) The act is not confined to members of congress during the time of the session. The expression delegates *in* congress is equivalent to delegates *to* congress. In the last part of the section, the words member of congress are used. To consider a member of congress as a sojourner, would be repugnant to the plain terms of the law. The obvious meaning of the law is to confer on members of congress the privilege of being served by their domestics, while they remain such. (Ib.)

Although an apprentice cannot be taken out of the state where bound, unless so stipulated in the indenture, or the nature of the business requires it, the rule does not extend to negroes bound until 28 in other states, and brought hither; their situation is different from common apprentices. 6 Bm 204.

In the case of Selia, a negro girl, aged 15, formerly the slave of E. B. who resided in Cuba; she arrived in Rhode Island in the Spring, and in August following, arrived in Philadelphia. On the 9th, Mr. B. executed a manumission, and the girl bound herself for 13 years. —On these facts the court were of opinion that the negro was imported in violation of the act of congress of 1808, and for the purpose of being held as a slave. An indenture made, without the assistance of friends or counsel, or the idea of a right to freedom, except that which was derived from the manumission, bearing even date with the indenture, (and which must be considered as having been executed immediately before it) is void. The manumission and the indenture taken together, form one *transaction*.—Thus situated, an ignorant girl binds herself to serve 13 years, for no other consideration than meat, drink, &c.; no education is to be given, no art, trade, or useful business is to be taught, she is not even to receive freedom dues—the infant derives no benefit from such an indenture. In 2 Dall 197, an indenture from an infant, living in the state, as a *servant* even with the consent of guardian, was void; that was the case of a white child, but there is no distinction between black and white, except in case of compromise. Hall's Law Journal, vol. 4. p. 141.

A runaway slave from another state, who is charged with fornication and bastardy in this commonwealth, cannot be delivered to his master, unless security is given for his appearance or for the maintenance of the child. The constitution of the U. S. does not exempt runaway slaves from the penal laws of any state in which they happen to be. 3 Serg. & Rawle, 4.

See ch. 4858, for a general reference to the acts of congress, and of the state legislature, respecting the proceedings for the removal of fugitives from labour.

END OF THE APPENDIX.



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